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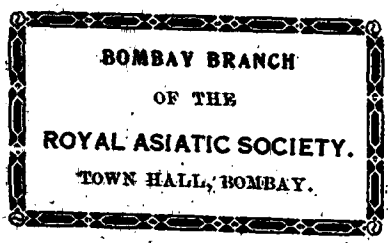

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HISTORY

OF THE

COMMONWEALTH OF ENGLAND.

FROM

ITS COMMENCEMENT,

TO THE

RESTORATION OF CHARLES THE SECOND.

By WILLIAM GODWIN.

TO ATTEND TO THE NEGLECTED, AND TO REMEMBER THE FORGOTTEN.

BURKE.

32010

VOLUME THE THIRD.

FROM THE DEATH OF CHARLES THE FIRST TO THE PROTECTORATE.

LONDON:

PRINTED FOR HENRY COLBURN, NEW BURLINGTON STREET.

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ADVERTISEMENT.

The present volume treats of the Commonwealth, strictly so called, the subject for the sake of which the work was undertaken. Its earlier portions are in a certain sense preliminary matter, though indispensible to the understanding of the whole. It is this subject which has uniformly furnished a theme for scurrility to the advocates of prerogative and despotism. One hundred and seventy-four years have now passed over it; and it is time that it should be made the province of genuine history, of patient enquiry and sober judgment. Party annalists have skimmed its surface, and passed away, as if poison lurked among its ingredients. An attempt is here made to analyse its contents, to assign the motives of the actors, and to trace up effects to the causes from which they sprung.

Till the period at which this volume commences, the great leaders among the Com-

monwealthsmen may be considered as merely engaged in clearing away obstacles, and obtaining an adequate area for reducing their speculations to practice. In the commencement of the year 1649 they abolished kingship and the house of lords: they had no old institutions standing in the way to impede their efforts. Now it was that they were to erect their republic.

But, if there remained no old institutions to thwart their endeavours, the memory of these institutions still subsisted, and presented a formidable difficulty with which for them to contend. We shall see in what manner they tried to surmount that difficulty. Their ultimate success was not equal to their courage and their talents. But, if they did not build up a Commonwealth as durable as the foundations of the world, they at least subdued every declared enemy, both from within and without, and caused themselves to be respected and feared by all surrounding nations. The five years treated of in this volume may challenge any equal period of English history in the glory of its rule, and perhaps in the virtue and disinterestedness of many of its most distinguished leaders.

I have derived an invaluable accession of authorities, particularly for the present volume of my work, from the collection of records relating to this period, deposited at the State Paper Office in Great George Street, Westminster. Especially, the Order Books of the Council of State have been a guide to me in a multitude of difficult questions. In the mean time it is impossible to speak justly and adequately on the subject, without noticing the singular merits of Mr. Robert Lemon, the Deputy Keeper. Previously to the period of his superintendence, these records were in a state of absolute chaos, incapable of being used or consulted by any one. By the labour of years, by an industry and application indefatigable and unparalleled, he has rescued innumerable documents from oblivion, and has arranged and caused to be bound up in volumes, to the amount of some hundreds, detached memoranda and single leaves of paper, which together form an almost complete record of the pecuniary measures and financial proceedings of the Long Parliament during the arduous and critical period of its government.

Next to these in authenticity, and abound-

ing with the most various information, is the collection of Commonwealth Tracts, given by George the Third to the British Museum. They comprise a complete series of the newspapers of the times. They include almost every fugitive pamphlet or sheet printed during that period, purchased at the time by some industrious collector, bound uniformly, and marked on the title-page of each, with the day of the month on which it was bought, which is for the most part the very day of the publication.

June 9, 1827.

ERRATA.

Page 9, Note, line 2. *for* 1763, *read* 1653.
109, line 25. *for* unequivocal, *read* equivocal.
240, line 15. *for* branded, *read* constructed.
431, line 20. *for* one hundred and twenty, *read* one hundred and twenty-two.
538, *after the list of the council of state, add,* Appointed to sit till November the Third.

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HISTORY

OF THE

COMMONWEALTH OF ENGLAND.

BOOK THE THIRD.

From the Death of Charles the First to the Protectorate.

CHAPTER I.

NEW GREAT SEAL ORDERED.—TERM, ORDINANCE, CHANGED TO THAT OF ACT OF PARLIAMENT.—HOUSE OF LORDS VOTED USELESS.—MONARCHY TO BE ABOLISHED.—COMMISSIONERS OF THE SEAL.—COUNCIL OF STATE CHOSEN.—ACTS OF PARLIAMENT, ABOLISHING MONARCHY, AND TAKING AWAY THE HOUSE OF PEERS.

CHAP. I.

1649. General views of the parliamentary leaders respecting the death of the king.

THE preceding Book closed with the death of Charles the First. The motives of those who were most active in bringing about this catastrophe were twofold: first, they held it an indispensible act of justice, that the great delinquent of all, as they styled him, the man who had

BOOK III. 1649.

been the main aggressor, and cause of the civil war and all its consequences, should be made the subject of exemplary punishment: secondly, they desired a fundamental change in the government of their country, and believed that a republican administration, with no mixture of monarchy, was most conducive to the well being, the erect attitude and independence, of mankind in general, and most to be desired for the English nation in its present condition.

Particular inducements.

In saying this, we are considering man as an intellectual being, and capable of being guided by the dictates of his understanding. And we are excluding from our view the petty and individual passions, by which human creatures are, consciously or otherwise, accustomed to be influenced in their decision. Fairfax[a], and Vane[b], and Cromwel, and Ireton[c], and many others, had been subjected to the personal affronts of the sovereign, which they might or might not recollect on this trying occasion: there were probably some who had lost their fathers, their sons, or their near kindred, in the conflicts of the civil war: it is in the nature of men, that, in their discussions and

[a] See above, Vol. I, p. 496.

[b] I forget where I have read, that, Vane (at that time a very young man) being in the presence-chamber, the king suddenly came in, upon which the youth withdrew, and hid himself behind the arras. Charles, perceiving a motion in the hangings, poked with his stick at that part of the room, till Vane was obliged to come forth, and retired in some confusion.

[c] See above, Vol. II, p. 401, 402.

communications with each other respecting sublunary events, they should have their resentments excited, and their angry passions inflamed, and that such circumstances should influence their opinions and determinations in the passing scene: one man contributes to an event, that he may establish the sagacity of his own predictions, and another that he may enjoy the disappointment and mortification of a rival: and, lastly, ambition had doubtless its share in producing this memorable catastrophe, the ambition of some who aspired to high place in the promised republic; and, it may be, though I believe this was not the case, the ambition of some, who looked beyond the republic, who regarded it merely as the stepping-stone to something further, and who anticipated the day when they should mount to higher station on its ruins.

CHAP. I. 1649.

We have been compelled to pass over several events, which occurred during the last three or four weeks of the life of Charles, that we might give an exclusive and undivided attention to the trial, and to what happened to him individually during the concluding scenes of his existence. To these we will now therefore return.

State of affairs.

It has already appeared that Whitlocke and Widdrington[d], keepers of the great seal, held a

1648. Consultations.

[d] He is described by Whitlocke, as a gentleman of known integrity, of great abilities in his profession, and married to a sister of the lord general, Fairfax. Whitlocke, Mar. 2, 1648.

BOOK III. 1648.

consultation, on the eighteenth, and again on the twenty-first of December, with Cromwel, Lenthal and Dean, to consider how the settlement of the kingdom might best be effected[e]. One of the propositions here discussed, was that of deposing the king, passing over his two elder sons, as having borne arms against the parliament, and placing the crown on the head of the youngest, the duke of Gloucester[f]. There is great reason to believe that this was the proposal supported by Whitlocke.

Resolutions on the future government of England.

The time however was now arrived, when the leaders of the army judged it proper to hold a plainer language. On the twenty-third the committee was appointed to consider how to proceed in a way of justice against the king and other capital offenders[g]. Whitlocke and Widdrington, whose names stood at the head of this committee, had resolved to have no concern in the business of bringing a sovereign prince to trial by his own subjects; and therefore, being summoned to the committee on the twenty-sixth, they went out of town together, that they might escape any further application on that head[g]. It was on the same day that the question of considering how the settlement of the kingdom might best be effected, and the care of presenting some general heads for that purpose, were first referred to the committee

[e] Vol. II, p. 653. [f] Whitlocke, Dec. 23. [g] Vol. II, p. 658.

for preparing proceedings against the king[h]. The three resolutions, that the people, under God, are the original of all just power, that the commons' house in parliament, being chosen by, and representing the people, have the supreme power, and that whatever is enacted by them has the force of law, though the consent of king and peers be not added to it, emanated from this committee[i].

New seal ordered.

Two days after this, the designs of the persons at present at the head of affairs, were more fully developed. On that day a bill was brought in for settling proceedings in courts of justice, and read a first and a second time, the principal object of which appears to have been to supersede the name of the king in all writs and other formalities. At the same time a committee was appointed to direct the construction of a new great seal, suitable to the present circumstances of the nation[k]. Eleven members were also added to the committee of executive government at Derby House, Ireton, Marten, Ludlow, lord Grey of Groby, lord Monson, Daniel Blagrave, Gilbert Millington, William Purefoy, Nicholas Love, Michael Oldisworth, and John Fry[l]. On the ninth Henry Marten brought in the report of the committee for the construction of a new great seal; and it was directed that on the one side there should be en-

[h] Journals, Dec. 26. [i] Vol. II, p. 661. Journals, Jan. 4.
[k] Journals, Jan. 6. [l] Ibid.

BOOK III. 1649.

graved the map of England and Ireland, and on the other a representation of the house of commons, with the inscription, "In the First Year of Freedom, by God's Blessing Restored[m]." On this day Whitlocke and Widdrington by mutual agreement made their appearance in the house, that they might not by inference be included among the members who refused all concern with the present government[n]. Whitlocke, with interesting ingenuousness remarks, "January 12. We heard demurrers, forenoon and afternoon, in the Queen's Court; the counsel were more peremptory and unsatisfied than ordinary, and used us like declining officers:" and the next day, "Some told us for news, that new commissioners of the great seal were to be appointed, serjeants Bradshaw, Thorpe and Nicholas. This was supposed to be discourse only, *as some would have it.*"

Proceedings of the commissioners of the seal.

Petition of the common council.

On the fifteenth a declaration was voted, shewing the grounds on which the house acted in annulling the resolution that the king's answers to the propositions were a ground to proceed upon for the settlement of the peace of the kingdom[o]. The same day a petition was presented from the common council of the city of London, approving of the proceedings against the king, and of the declaration that the supreme power is in the house of commons. To this petition the lord mayor and

[m] Journals. [n] Whitlocke. [o] Journals.

the court of aldermen had refused their concurrence[p].

The parliament of Scotland met on the fourth of January, and the next day a letter was read from the Scots' commissioners in London, recapitulating the events which had lately taken place there, and desiring to be instructed as to the conduct they should observe. The instructions that were given were cautious and temperate. They were directed, to do nothing which should imply an approbation of the late violence put upon the house of commons in England; to address themselves to such members of both houses as were friendly to the Scottish nation; to do nothing that should tend to justify the king's proceedings and actions, or the duke of Hamilton's invasion, or that should afford occasion to a new war; to declare that the king's last concessions were not satisfactory to the Scots in point of religion; to protest against any criminal proceeding in relation to him; and to shew how grievous such proceeding would be as connected with the delivery of his person by the Scots at Newcastle[q].

Proceedings of the parliament of Scotland.

According to Whitlocke, certain papers were offered from the Scots' commissioners to the house of commons on the sixteenth, but were laid aside and not read, on the ground of their not acknow-

Commissioners sent into Scotland.

[p] Ibid. Whitlocke. Rushworth.

[q] Balfour, Annals, Vol. III, p. 373 to 385.

BOOK III. 1649.

ledging the house for a parliament[r]. The next day however, it was voted that fit persons should be sent to the parliament of Scotland, for the purpose of continuing a good understanding between the two nations[s]. At this time the style of the laws passed by the house of commons was changed; and what had hitherto been called ordinances, were denominated acts of parliament[t]. An act being made for adjourning the term, the earl of Kent and lord Grey of Werke, two of the commissioners of the great seal, declined signing the customary warrants for the purpose, because the act had not the consent of the house of lords; but Whitlocke and Widdrington, the other two, expressed their compliance[u]: and accordingly an act was brought in and passed, authorising them to sign the warrants, and declaring their signatures sufficient[w].

Term, acts of parliament restored.

Two commissioners of the seal refuse to act.

On the twentieth of January, the king was for the first time produced before the high court of justice: and, on the twenty-second, the Scots' commissioners, Lothian, Cheesley and Glendenning, addressed a letter to the speaker, expressive of the undoubted interest which Scotland had in Charles's safety, and adding that he was not delivered to the English commissioners at Newcastle for the ruin of his person, but for a speedier set-

Remonstrance of the Scots' commissioners.

[r] Whitlocke. [s] Journals. [t] Whitlocke, Jan. 16.
[u] Whitlocke, Jan. 17, 18. [w] Journals, Jan. 20.

tlement of the peace of his kingdoms. They further declare their utter repugnance to the proceeding against him in the way of trial, and their anticipation of the extreme miseries that are likely to ensue upon it to both kingdoms. They conclude with requesting leave of the house, that they may be permitted to make their personal addresses to the king. They at the same time laid before the commons a copy of the instructions they had received from the parliament of Scotland[x].

Act making it treasonable to proclaim a king.

On the twenty-seventh the act for settling proceedings in courts of justice was read a third time, and passed. The purport of this act was, that, in all courts of law, as well as in writs, grants, and indictments, instead of the name, style and title of the king, the form should henceforth be, in the name of the keepers of the liberty of England by the authority of parliament[y]. On the same day the sentence against the king was passed, and recorded; and an act was brought in, making it treasonable to proclaim any king in

[x] *Journals.* Whitlocke. Rushworth, p. 1399.

[y] Scobel, *Acts of Parliament in 1649, 1650, 1651,* (printed 1763,) p. 1. This phrase is very obscure. It appears however, from the form of the writs, to mean the commissioners of the great seal. And this interpretation is supported by the language of the acts of treason, May 14, and July 17, 1649, in which the plotting or endeavouring the subversion of the keepers of the liberty of England, or of the council of state, is declared to be treason.

BOOK III. 1649.

England without the authority of parliament. This act was read a third time and passed on the thirtieth; and proclamation ordered to be forthwith made of the act by the serjeant at arms, at Cheapside, the Old Exchange, and Westminster[z].

House of lords voted useless.

On the sixth of February it was voted that the house of peers in parliament is useless, dangerous, and ought to be abolished[a]. This was the last day of the sitting of that house. And on the day following it was further voted, that the office of a king in this nation, and to have the power in a single person, is unnecessary, burthensome, and dangerous to the liberty, safety and public interest of the people[a]. Immediately after this it was ordered, that there be a council of state erected, to consist of not more than forty persons, and it was referred to John Lisle, Cornelius Holland, Thomas Scot, Edmund Ludlow, and Luke Robinson, to present to the house the names of such persons as they should conceive fit to be members of this council. On the previous question for abolishing the house of peers there was a division, forty-four to twenty-nine, Henry Marten and lord Grey of Groby being tellers for the majority, and colonels Purefoy and Sydenham for the minority[b].

Monarchy to be abolished.

Council of state ordered.

---

[z] Journals. Whitlocke. Rushworth, p. 1481.

[a] Journals. [b] Ibid.

The ninth of February was the first day of term, or sitting in the courts of law; and this circumstance rendered it necessary that certain preliminary steps should immediately be taken. Of the twelve judges, the two chief justices, the chief baron, with Jermyn for the king's bench, Pheasant for the common pleas, and Gates for the exchequer, signified their willingness to continue in the exercise of their offices, provided the house of commons passed a declaration that they were resolved to maintain the fundamental laws of the nation, and passed an act for repealing the oaths of allegiance and supremacy. This was accordingly done without delay. An oath well and truly to serve the parliament and people was substituted; and, the name of king's bench being taken away, that of upper bench was substituted in its place. The other six judges declined taking commissions under the commonwealth[c]. The great seal was at the same time brought into the house, and broken in pieces: and, a new seal being ready, and Widdrington declining to continue in office, it was intrusted to Whitlocke, serjeant Richard Keble, and John Lisle. At the same time the office of commissioner was rendered more important and honourable by its being enacted that it should henceforth be held by the tenure, *quamdiu se bene gesserint*[d].

Six of the judges resign.

Commissioners of the seal.

[c] Journals, Feb. 8, 9. Whitlocke. [d] Ibid.

BOOK III.

1649.

Council of state nominated.

On the thirteenth, Thomas Scot reported to the house, from the committee appointed for that purpose, certain instructions for the members of the council of state, which were immediately assented to, and the names of the persons whom the committee judged fitting to be of the council[e]; and, the next day, these names were, one by one, put to the vote in parliament. A remarkable delicacy was observed in this business. The five individuals to whom it was referred to bring in the names of proper persons to constitute the executive government, were none of them such as had been habitually concerned in the conduct of public affairs, and two of them, Scot and Ludlow, were principally known for no other qualities, than their integrity, their great devotion to the public welfare, and the ardour of their republican sentiments. It is worthy of observation, that, it having been decided that the council of state should consist of forty persons, the five nominators appear to have brought in a list of only thirty-five names. Of these four were peers, the earls of Pembroke, Denbigh and Mulgrave, and lord Grey of Werke; and two, peers' sons, lord viscount Lisle, and lord Grey of Groby. To these were added, the two chief justices and the chief baron; three general officers, Fairfax, Cromwel and Skippon; and twenty-three other persons.

[e] Journals.

These names seem to have been adopted without delay; there only appears a division (50 to 25, Marten being a teller for the noes, and Miles Corbet for the ayes) on the earl of Pembroke. The house then proceeded to add Lisle, Ludlow and Scot, making the number thirty-eight. Some one proposed the earl of Salisbury, which was carried. The names of Ireton and Harrison were next suggested, and negatived on the previous question. How names, so honourable, and of so high esteem among the republicans, came to be omitted in the list from the committee must always remain a mystery. The business was concluded the next day by adopting Cornelius Holland and Luke Robinson, the two remaining nominators[f]. Of these persons the only one who appears not to have been a member of parliament, was Bradshaw: to which we may probably add the three judges. Rolle is not in the list of members; and St. John says of himself[g], "I ceased to be of the house of commons in October 1648, and sat not again till June 1651." On this occasion we find the style of St. John changed into that of chief justice of the common bench[h]. Walter Frost, who had before been secretary to the committee of Derby House, was continued in the same office to the council of state[i]. The power of the council was ordered to continue for one year[k].

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[f] Journals. [g] Case, p. 2. [h] Journals, Feb. 14.
[i] Ibid, Feb. 15. [k] Ibid, Feb. 13.

BOOK III. 1649.

The votes, abolishing the kingly office, and taking away the house of peers, were not turned into laws till the seventeenth and nineteenth of the following month respectively[1].

Acts of parliament against king and peers.

[1] Scobel, Part II, cap. 16, 17.

FIRST YEAR OF THE COMMONWEALTH.

COUNCIL OF STATE,

Installed February the Seventeenth, 1649.

Philip Earl of Pembroke.
William Earl of Salisbury.
Basil Earl of Denbigh.
Edmund Earl of Mulgrave.
William Lord Grey of Werke.
Philip Viscount Lisle.
Thomas Lord Grey of Groby.
Bulstrode Whitlocke, } Keepers of
John Lisle, } the Seal.
Henry Rolle, Chief Justice.
Oliver St. John, Chief Justice.
John Wild, Chief Baron.
Thomas Lord Fairfax.
Lieut. Gen. Oliver Cromwel.
Major Gen. Philip Skippon.
Sir Arthur Haselrig, Bart.
Sir Gilbert Pickering, Bart.
Sir William Masham, Bart.
Sir William Armine, Bart.
Sir William Constable, Bart.
Sir Henry Mildmay, Knt.
Sir Henry Vane, Knt.
Sir John Danvers, Knt.
Sir James Harrington, Knt.
Henry Marten.
John Bradshaw.
Valentine Wauton.
William Purefoy.
Robert Wallop.
John Hutchinson.
Anthony Stapeley.
William Heveningham.
Dennis Bond.
Alexander Popham.
John Jones.
Ald. Rowland Wilson.
Ald. Isaac Pennington.
Edmund Ludlow.
Thomas Scot.
Cornelius Holland.
Luke Robinson.

CHAPTER II.

CRITICAL STATE OF THE NEW GOVERNMENT.—STATE OF THE REPRESENTATION IN PARLIAMENT.—SCHEME FOR THE ADMISSION OF MEMBERS.—OFFICE OF LORD ADMIRAL PUT IN COMMISSION.—BRADSHAW MADE PRESIDENT OF THE COUNCIL OF STATE.—MILTON APPOINTED SECRETARY FOR FOREIGN TONGUES.

BOOK III.

1649. Critical state of the new government.

THERE are few situations recorded in the annals of history, in which a higher degree of fortitude and talent can be supposed to be called for in the conductors of public affairs, than was demanded in the men who erected the Commonwealth of England in the beginning of the year 1649. It was almost six hundred years that England had been governed by an uninterrupted succession of kings from the Norman Conquest; not to mention that monarchy had been regarded as an essential part of its political condition under the Saxons, and even from the time that Britain had ceased to be a Roman Province. Man, and generations of men, are not links broken off from the great chain of being: they are not like some of the inferior sorts of animals, having no opportunity of

Nature of human society.

CHAP. II.

1649.

intercourse with those that went before them, and indebted for their systems of action only to their internal constitution and the laws of the universe, and not to imitation. Generations of men are linked and dovetailed into each other. Our modes of thinking, our predilections and aversions, our systems of judging, our habits of life, our courage or our cowardice, our elevation or our meanness, are in a great degree regulated by those of our immediate ancestors. One race of men does not pass off the stage without leaving their stamp and their ply upon those who come after them: and, in this way, though generations are evanescent and fugitive, nations are, in a certain limited sense of the word, immortal.

Association of ideas.

It was therefore a great and perilous experiment that was made upon the inhabitants of this country, by the men who, in the middle of the seventeenth century, resolved to communicate to the English nation the blessing, such they deemed it, of a republican government. We are told of a dancer, who had been accustomed to perform his figure with a chest standing against one side of the room, and who felt, when the chest was removed, unable to repeat the lesson in which he had been instructed[a]. Things immaterial and unessential are felt by us to be of the utmost importance, when we have never been accustomed

[a] Locke, Of Human Understanding, Book II, chap. xxxiii.

BOOK III. 1649.

to do without them: and, independently of the question whether monarchy is absolutely a good or an ill, this consideration was of the utmost moment in the present instance. It was of no consequence that the republican leaders might be able to persuade a certain number of their countrymen that their system was excellent. Those who remained unconvinced were still a clog and an impediment to such as deemed themselves of more ripened judgment: and it was of the last importance to calculate the numbers of those who adhered to the old impressions, how tenaciously they would resist innovation, and in what degree, whether with a quicker or slower process, they were likely to be brought over by persons who desired to enlighten them.

State of the peerage.

Weight and importance of that order.

But the parliament, at the same time that they determined the office of king to be unnecessary, voted that the house of peers was useless. At this period there were in the list of the peerage two dukes, two marquisses, fifty-six earls, seven viscounts, and fifty-two barons, exclusively of five persons, eldest sons of earls, who had been called up by writ to that house, and who only added to the number temporarily, till they should succeed to the title which they were in order to inherit. Many of these persons possessed the amplest estates in the country, and were in the receipt of the largest revenues. A considerable number of them had taken part with the king in the great

Number of peers who had adhered to the king.

breach between him and the parliament, and therefore, according to the usual fate of a defeated party, might expect for a time, but not always, to be excluded from their honours and influence in the state: they might expect it; but it does not follow that they would be contented under this eclipse. They would naturally, under any ordinary change, have looked forward to a gradual restoration.

Number of those who had taken side against him.

But there was a considerable portion of the ancient nobility, and some of them of the most extensive fortunes, who, in the very commencement of the breach, had frankly taken part with the commons, had fought under their standard, had taken command in their armies, and had accepted civil offices, which conferred on them honours and emoluments, but at the same time demanded from them the conscientious discharge of duties, upon which the success of the public cause more or less depended. The passing of the self-denying ordinance in 1645 for the present at least put an end to this. It was felt at the time that this ordinance fell with an undue weight on the peerage, since, of the order of men constituting the commons of England, only a few persons, such as had been chosen to represent the whole, were excluded from offices of trust and emolument, whereas the whole order of the peers was indiscriminately proscribed[b].

Self-denying ordinance.

[b] See above, Vol. I, p. 402.

BOOK III.

1649. General displeasure excited in the peerage by the present change.

But the entire abolition of the house of peers at this time was a proceeding of a very different magnitude. And every member of that class must be supposed to have deeply felt this privation of one of the highest honours and privileges, to which by the constitution of the government of their country they were born. Here was then a body of about one hundred and twenty persons, the richest and most influential in the community, that were necessarily rendered more or less actively, the enemies of the new establishment, and many of them persons who had taken a distinguished part in laying the first foundations of the change. A very few of these (for man is a being capable of acts of disinterestedness and self-denial; and some might be seduced by a love of singularity, or by inducements more powerful than those which were common to the whole of them as a body)—A very few of them might sincerely unite with the authors of the commonwealth; others might be led to make a show of neutrality; and the rest awed into silence and forbearance, by the tremendous power at this time possessed by the regicides and the heads of the army. But the alienation of mind of so important a body was no small drawback on the probable felicity of the new institution.

Sentiments of the episcopal clergy.

When we speak of the extinction of the house of lords, it is natural at the same time to recollect the lords spiritual, or order of bishops, twenty-six in number, who were not only deprived of their

privilege as members of the great council, but had also lost by the change that had taken place the greater part of their emoluments and revenues. If we add to these the remainder of the hierarchy, deans and chapters, archdeacons, canons, prebendaries, and the whole body of the inferior clergy, we shall find them amounting to a considerable army. It is true the majority of the nation was at this time anti-episcopal; and it was therefore to be expected that their greatness and prosperity should cease with this change of opinion. But they were not less the determined enemies of the new order of things; they considered their cause as the cause of God, and were bent to employ all the advantages they derived from learning, and all the influence they possessed over their followers, for the destruction of the present system.

Sentiments of the presbyterians.

As far as religion was concerned, the English nation was divided at this time into episcopalians, presbyterians, independents, and a numerous herd of sects and fanatics. The episcopal party was inextricably bound up with the royalist; and they fell together, subdued, not extinguished. Hope and zeal still inspired and animated their bosoms. The presbyterians, more numerous than they, had the present ecclesiastical establishment moulded for the most part according to their will, and were in possession of a vast majority of the sacred edifices and the church-revenues of the

BOOK III. 1649.

country. But they were defeated as a political party, and felt therefore scarcely less animosity to the present rulers than the episcopalians did. They were also royalists as well as the episcopalians, though after a different fashion. They to a man adhered to the house of Stuart, and desired the restoration of Charles the Second, but upon stipulated and defined conditions, and upon terms considerably similar to those which had been offered to his father in the isle of Wight.

Provocations to which both these had been exposed.

Beside the inherent strength and importance of these parties, they were both of them rendered additionally formidable from the irritation they felt at the unprecedented way, in which they had been defeated and all their energies laid prostrate, by the superior talents and courage and audacity of their common enemy. The royalists had been driven to desperation, for the head of the sovereign had rolled on the scaffold. The presbyterians had just voted that the king's concessions were a sufficient ground for settling the peace of the kingdom, when the army the next morning took possession of the capital, and seized forty-one of the members of the house of commons who were most obnoxious to them, while their leaders proceeded with the same steadiness, solemnity and unaltered resolution to complete the catastrophe, as we might have expected from them, if there had not been a man in the country who disapproved or was in opposition to their measures.

CHAP. II.

The views and the projects of these two parties were in no degree baffled, and were in several respects improved, by the sentence and execution that had passed on the king. He had sustained disgraces which fixed on him to a certain degree the character of an ill-fated prince. Like all sovereigns, he had even among his avowed followers and adherents some who entertained for him a personal attachment, and others who, with the most decided vocation to loyalty, had received marks of unkindness from him, who adhered to him as the representative of English sovereignty, but had small partiality for him as an individual. In addition to this circumstance, which is more or less the lot of every man in high station, Charles was known in his court and in his royal capacity, as a person of cold and ungracious manners, who from that cause made himself many enemies, and often drove those men from his side, whose attachment it was eminently his interest to secure. If such was the case with the royalists, it was still worse with the presbyterians. They desired monarchy; but their whole hearts were set upon their own ecclesiastical system: and they had so often, and always ineffectually, tried to prevail on Charles to yield to them in this point, that they had every reason to look upon the question in this respect with despair.

1649. Unfavourable situation of Charles the First.

The king was removed; but he had left behind him three sons, each of them endowed with

Advantages of his successors.

BOOK III.

1649. Character of Charles the Second at this time.

such qualities, as might bid fair to adorn a throne, or impart grace to a private fortune. The eldest of them, whom the partisans of monarchy in England already delighted to call king Charles the Second, was a young man who had nearly completed the nineteenth year of his age, with large features that, softened as they were in the first dawn of manhood, were singularly prepossessing, and with a frank countenance. His manners were the reverse of those of his father, open, frank and engaging, and calculated to turn all those who had intercourse with him into personal friends. He had taken some part, both by land and sea, in the civil war; and almost all he had done was gallant, spirited, and creditable to his station and rank. His eulogium, as pronounced by lord Capel on the scaffold, was in somewhat of this manner: "The eldest son of your late king, is your true and lawful sovereign, and is worthy to be so. I had the honour to have been for some years near his person, and therefore cannot but know him well; and I assure you, that he is a prince of great understanding, of an excellent nature, of much courage, an entire lover of justice, and of exemplary piety, that he is not to be shaken in his religion, and has all those princely virtues which can make a nation happy[c]." Add to this,

[c] Clarendon, Vol. III, p. 272. The language here may perhaps be a little coloured by the inventive quality of the historian.

his good qualities, whatever they were, appeared to more advantage from the cloud of adversity that hung over him, having attained to the most prepossessing season of human life, born to succeed to one of the proudest thrones on the face of the earth, but now made, by the effect of a most disastrous fortune, an outcast and a beggar.

Character of the men who were at the head of affairs.

Never therefore did any governors enter upon their functions under more formidable difficulties, than the men who now undertook to steer and direct the vessel of the new commonwealth. They were in a certain sense a handful of men, with the whole people of England against them. Their hold on the community was, by their religious sentiments, those of the independents, by the rooted aversion of many to the late king and his family, by the sincere terror that was felt of the ascendancy either of the episcopal or presbyterian party, and the devout adherence of a respectable set of men to the principle of religious toleration. The character also of the leaders did wonders. Scarcely has there existed a body of more eminent statesmen, than Cromwel, Ireton, Bradshaw, Marten and Vane. It was by their personal qualities principally, that they effected the great change, and placed a select parliament of one hundred and fifty men in the supreme legislative authority[d],

[d] Their names will be found at length in this History, at the period of their dispersion by Cromwel.

BOOK III. 1649.

in the room of a house of commons of five hundred and six, which, with the king, and the house of lords, held a divided rule in November 1640. They had also the army to support them: Cromwel having exercised all the vigilance and sagacity of his nature, and his extraordinary power of conciliating the hearts of men, in rendering this body in all respects such, as his ambition, or his patriotism desired: though we shall presently see that the most vigorous efforts were made to undermine him in this, the strong hold of his authority.

State of the representation in parliament.

It no sooner appeared that the government now established promised a certain degree of permanence, than many of those persons who had been forcibly excluded from the house of commons, or had voluntarily withdrawn their attendance, manifested an inclination to resume their seats[e]. One of the greatest disadvantages and sources of discredit to the present government, consisted in the thinness of the meetings of the legislative assembly; and consequently they would have been glad, by any safe means, to remedy this disadvantage. But, on the other hand, the decisive ascendancy they now possessed in parliament, had been secured by extremity and violence; and they were urgently bound to use such precautions for the future, as should prevent the necessity of again recurring to similar violence[f].

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[e] Ludlow, Vol. I, p. 292. [f] Ibid.

CHAP. II.

1649. Order for signifying a dissent to the vote of December the fifth.

So early as the eighteenth of December it was ordered that every member should have liberty to declare his dissent from the vote of the fifth, importing that the king's concessions were a sufficient ground to proceed upon for the settlement of the peace of the kingdom[g]; and at the same time a committee was appointed to consider of the manner in which the dissent should be expressed, and to accept or refuse the declarations that might be tendered. Thirty-six dissents appear to have been recorded on the twentieth; three on the twenty-first; and twelve more on the twenty-fifth[h]. Ludlow, who was one of the committee, confesses, that, when they were doubtful of the intentions of the person who offered himself, they endeavoured, by weighing his former deportment, to be in some way assured that he would be true to what he promised in case the commonwealth interest should come to be disputed, before they would report his condition to the house[i].

On the first of February an act was passed, that such members as had voted on the fifth of

[g] See Vol. II, p. 651, 652. Whitlocke. Rushworth. The order is erased from the Journals: but its purport is sufficiently described in the resolution of February 21, 1660, by which it is annulled.

[h] The dissents were ordered to be expunged, Feb. 22, 1660; for the numbers and names therefore we are indebted to Clement Walker, Part II, §. 43. The dissent of Cromwel, Ireton, and nine others, is entered on the day of signing the king's warrant. See Journals.

[i] Ludlow, p. 293.

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December for the king's propositions should not be re-admitted, that such as had then voted in the negative should enter their dissent, and that such as had been absent on that day should in like manner signify their dissent before they were acknowledged as members[k].

On the day on which the instructions to the council of state were voted, an engagement was drawn up and adopted, to be taken by each counsellor previously to his admission, the purport of which was to express his approbation of all that had been done in the king's trial, in the abolishing of kingship, and the taking away the house of lords, and in the vote of the fourteenth of July preceding, by which the Scottish invaders had been declared enemies, and all the English who adhered to them rebels and traitors[l].

Instalment of the council of state.

The council met for the first time at Derby House on Saturday, the seventeenth, when there were fourteen members present, the principal of

[k] Whitlocke. C. Walker, §. 96. The passing of this act is among the erasures. There appears also to have been many dissents entered from Feb. 1 to 19, which were afterwards erased. This defacing of a public record is perfectly of a piece with the spirit of the rest of the measures adopted by the ministers of Charles the Second on his Restoration. It was with some difficulty (owing to the mistaken zeal of the officer who has the custody of the Journals) that I got permission in 1826 to endeavour to decipher the words and passages erased, which is in no instance a task of insuperable difficulty.

[l] Journals, Feb. 13. Whitlocke, Feb. 19.

whom were Cromwel, Marten, Wauton, Ludlow, Scot, Robinson, and lord Grey of Groby. Thirteen of the fourteen subscribed the engagement, and then directed a general summons to be issued to the whole number of members named in the act, for the following Monday[m].

Engagement remodelled.

On that day thirty-four members made their appearance. Among those who were not present the first day, we may observe the earls of Pembroke, Salisbury and Denbigh, lord Grey of Werke, viscount Lisle, Fairfax, sir Arthur Haselrig, Skippon, Whitlocke, Hutchinson, Alexander Popham, and John Lisle, with the aldermen Pennington and Wilson[n]. The same day Cromwel from the council made a report to the house, that six more counsellors had subscribed the engagement, but that Denbigh, with the three other earls chosen, and Fairfax, objected to its retrospective character. The four earls alleged, that it was hostile to what they had acted as peers in the house of lords, then acknowledged for a third estate in the kingdom. They added, that, there being now no other power in England but that of the house of commons, in whom the liberty of the people was involved, they were resolved to live and die with that house, and that whatever government the commons should appoint, they were ready faithfully to serve with their lives and

[m] Order Book of Council, deposited in the State Paper Office.

[n] Ibid.

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fortunes[o]. Other counsellors offered objections in some degree similar. Whitlocke alleged his scruple, as to what related to the approving what had been done by the high court of justice, with which he was by no means fully acquainted[p]. Among the excepters were lord Lisle, Skippon, and sir Arthur Haselrig[q], who had all three of them been named among the king's judges, but had taken no part in the trial. They are stated as amounting to twenty-two[r]; from whence it follows, that those who were not present, nevertheless sent in their answers on that point[s]. The objections thus offered appear to have been allowed by the parliament, as we find these members taking their places in the council as frequently as some of those that subscribed. The engagement was probably qualified for them, in the way prescribed for members of parliament and others by the act passed in the present week, into a simple declaration and promise, to be true and faithful to the commonwealth of England, as now established, without king or house of lords[t]. To

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[o] Journals.

[p] Whitlocke, Feb. 19.

[q] Journals of Council.

[r] Whitlocke.

[s] A further inference which arises from this fact is, that the three chief judges, Rolle, St. John, and Wild, answered to the summons to the council of state, and excused themselves from sitting, as being unwilling to sign the retrospective engagement.

[t] All that relates to this act is expunged from the Journals, Feb. 22; but its contents are expressed in the order for that purpose, Mar. 13, 1660.

this engagement few persons probably were inclined to object, it scarcely implying more than such an expression of a purpose to live peaceably and inoffensively under the present administration as is ordinarily required by all governments. It was therefore qualified the next day by an order hostile to all such members as had not already sat since the thirty-first of January [u].

Vane takes his seat in the council.

Sir Henry Vane took his seat in the council on the twenty-sixth of February, nine days from its first instalment [w]. He had withdrawn himself from the parliament, on occasion of the compulsory reduction of its members on the sixth of December, not being satisfied either with that measure, or with the proceedings in relation to the king's trial. It was with much difficulty, and in the result of many arguments, that Cromwel prevailed on him to return to the parliament, and take his seat in the council, when the commonwealth was already constituted, and his assistance was so urgently required [x].

Vane being the individual in the councils of the commonwealth, second only to Cromwel in ability, and infinitely his superior in integrity and

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[u] Journals, Feb. 21, 1660. [w] Order Book.

[x] Stubbe, Malice Rebuked, p. 59. Rogers, Vindication of Vane from the Lies and Calumnies of Richard Baxter, p. 6, 7. Stubbe was one of the most eminent scholars of that or any other period, and was indebted for the first development of his talents to the regard and liberality of Vane.

BOOK III. 1649.

the entire absence of all personal and ambitious views, it seems but just that we should here revert for a moment to his personal history.

Incidents of his early life.

He was descended from a family that has given two earls to our peerage, those of Westmorland and Darlington, the latter his lineal descendant[y]. His father was secretary of state to Charles the First. He was born about the year 1615[z]. At the close of his education at home, he spent some little time in France, and more at Geneva, where he imbibed an unconquerable aversion to the liturgy and government of the church of England. He expressed these sentiments with great frankness, and fell under the high displeasure of his father[a]. Uneasy therefore at home, he resolved to pass over to New England in 1635, where he remained two years. His extraordinary endowments, and his being the eldest son of a principal minister in England, pointed him out to the partiality of the colonists; and, before the end of the first year of his residence among them, he was chosen governor of the settlement[b]. Soon after his return to Europe, he was appointed to the office of joint-treasurer of the navy. This place, which he afterwards held without a partner, entitled the possessor to a poundage, that, in time

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[y] Collins, Peerage. [z] Strafford, Letters, Vol. I, p. 463.

[a] Clarendon, Vol. I, p. 187.

[b] Strafford, *ubi supra*, and Vol. II, p. 116. Clarendon, *ubi supra*.

of peace, amounted to about three thousand pounds *per annum*, but in a time of foreign war, such as that which soon after broke out with Holland, would have produced nearly twenty thousand *per annum*[c]. Upon his own petition however, he was permitted to resign this office, which he held by patent for life, for a compensation of twelve hundred pounds *per annum* in land[d]; and, before this, he had paid into the public treasury, during the civil war, the moiety of the income he derived from his office[e].

Accession of St. John.

St. John, another member of the council, was also brought to take an active part in public affairs at this time, by the interposition of Cromwel. He says of himself[f], "I clearly and confidently affirm, that I never knew of any intention to try the king for his life, or of any one thing that tended thereto, other waies then as common newes, when all others knew the same, and was not then of the house of commons, being made a judge in 1648." Whitlocke[g] however, about two years after the king's death, speaks of him by the appellation of "Cromwel's creature."

Ways in which parliament might be recruited.

There were two ways in which the number of members sitting in the house of commons might be recruited. One was by the readmission of

[c] Sikes, Life of Vane, p. 97.
[d] Journals, July 16, 1650.
[e] Sikes, *ubi supra*.
[f] Case of Oliver St. John, p. 2.
[g] Feb. 1, 1651.

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the absent. And we find the sitting members willing to employ this resource as far as might be consistent with their own safety, and with preventing the danger of having all those steps reversed, which they had regarded as necessary to the public good, and which had laid the foundation of republican government in England. The other was the issuing new writs.

New writs issued.

This latter resource their scheme of proceeding prevented them from employing in any considerable degree. They altogether abstained from expulsion. As the only indispensible qualification of a sitting member was an engagement to be obedient and faithful to the existing government, it was difficult to draw the line, and to say how soon any member or number of members might be admitted to subscribe this test. They therefore left the door of restoration apparently open to all. We find accordingly only seven new writs issued in the next six months; and these were all of them in the place of members deceased[h]. Among the members newly chosen, were the earl of Pembroke for the county of Berks[i], lord Howard of Escrick for Carlisle[k], and the earl of Salisbury for the borough of Lynn[l]. The earl of Pembroke died in January following;

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[h] It does not appear that any more writs were issued during the three following years.

[i] Journals, Apr. 16. [k] Ibid, May 5. [l] Ibid, Sept. 18.

and his son, Philip, fifth earl of Pembroke, having at the beginning of this parliament been chosen to represent the county of Glamorgan, continued to sit in the house after the death of his father[m].

Commissioners of the admiralty appointed.

The first public act of the council of state was on the twentieth of February, when they resolved to recommend to parliament to vacate the appointment of the earl of Warwick to the office of lord admiral. Warwick had on all occasions shewed himself a frank and strenuous presbyterian; and they judged it becoming that no one should at present hold a situation of so high confidence, who was not a sincere republican. A bill was therefore brought in and passed, for repealing lord Warwick's ordinance, and vesting the power of lord admiral in the council of state[n].

Commanders of the fleet.

The next day another act was made, appointing Robert Blake, Edward Popham (brother to the counsellor of state), and Richard Dean, to the command of the fleet[o]. Each of these became afterwards eminent naval commanders under the commonwealth. On the twelfth of March Vane, Wauton, and alderman Rowland Wilson were by the council of state named a committee, to carry on the affairs of the admiralty and navy[p].

[m] Whitlocke, Jan. 23, 1650.

[n] Journals, Feb. 22, 23. Scobel, Part II, cap. 13.

[o] Scobel, Part II, cap. 14.

[p] Order Book of Council.

BOOK III.

1649. Bradshaw named president of the council.

Milton secretary for foreign tongues.

On the tenth of March it was determined by the council, which had hitherto had a different præses for each day of their sitting, that there should be a president; and Bradshaw was appointed to that office[q]. Three days later, Milton, the kinsman of Bradshaw[r], was made secretary to the council, for foreign tongues[q], which office had been held by Weckerlin under the committee of both kingdoms[s].

Remarks.

It is impossible to consider these appointments without great respect. They laid the foundation for the illustrious figure which was made by the commonwealth of England during the succeeding years. The admirable state of the navy is in a great degree to be ascribed to the superlative talents and eminent public virtue of Vane. The naval commanders were such as can scarcely be equalled in any age or country. The attachment of Milton is equivalent to volumes in commendation of Bradshaw. The perfect friendship of these three men, Milton, Bradshaw and Vane, is in itself considered, a glory to the island that gave them birth.

The council, we are told, took up a resolution, that they would neither write to other states, nor

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[q] Order Book. [r] See above, Vol. II, p. 78, note.

[s] On the twenty-fifth of November 1648 Edmund Prideaux had been appointed solicitor general, and 9 April in this year he was named to the office of attorney general. Journals.

receive answers, but in the tongue which was common to all, and fittest to record great things, the subject of future history[t]. And they fixed on Milton, the language of whose state-papers is full of energy and wisdom, and must have impressed foreign states with a high opinion of the government from which they came. The character of the great poet of England frequently discovers itself in these productions, without detracting in the smallest degree from the graveness and sobriety which the occasions, and the rank of the nation in whose name they were written, demanded. On the other hand Milton, who felt as deeply as any man, that his proper destination was the quiet and sequestered paths of literature, conceived that he could not decline a public station, when the demand came to him from such men, and was that he *should* devote himself to the service of that scheme of a republic, which above all earthly things he loved[u].

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[t] Toland, Life of Milton.

[u] We cannot excuse ourselves from inserting here the sonnet which Milton addressed to Vane in the year 1652, strikingly as it is calculated to illustrate the character and feelings of the most honourable men who acted together at this period. The date of this sonnet is ascertained in the Life of Vane, p. 93, where it is accompanied with five pages of comment.

Vane, young in years, but in sage counsel old,
Then whom a better senatour ne'er held
The helme of Rome, when gowns not arms repell'd
The fierce Epirot and the African bold.

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Whether to settle peace, or to unfold
The drift of hollow states hard to be spell'd,
Then to advise how war may, best upheld,
Move by her two main nerves, iron and gold,
In all her equipage: besides to know
Both spiritual power and civil, what each meanes,
What severs each, thou hast learnt, which few have done.
The bounds of either sword to thee we owe;
Therefore on thy firm hand Religion leanes
In peace, and reckons thee her eldest son.

CHAPTER III.

CONDITION OF THE ROYALISTS ENGAGED IN THE SECOND WAR.—SECOND HIGH COURT OF JUSTICE.—TRIAL AND EXECUTION OF HAMILTON, HOLLAND AND CAPEL.—MUTINY IN THE ARMY.—HOSTILITY OF JOHN LILBURNE.—AGREEMENT OF THE PEOPLE.—ORDINANCE OF COMPENSATION TO LILBURNE FOR HIS SUFFERINGS.—HE INTRIGUES WITH THE SOLDIERY.—GENERAL ORDERS OF FAIRFAX.—COURT MARTIAL ON THE MALCONTENTS.—OFFENSIVE PUBLICATIONS OF LILBURNE.—HE IS COMMITTED TO THE TOWER.

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A THING indispensibly required from those who now held the reins of government, was a resolute hand, and a steady determination, to guide the chariot of the state, and to keep those in awe who would turn it aside from its career. The first party that seems to have engaged the attention of the governors was the royalists.

Firmness of administration.

It had been deliberately decided in the summer of the preceding year, that those who took up arms in the second war, were traitors by the fundamental laws of the kingdom, and should

Condition of the royalists engaged in the second war:

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suffer the penalties of treason[a]. Conformably to the spirit of this vote, Fairfax had thought proper to put sir Charles Lucas and sir George Lisle to death by summary execution at the surrender of Colchester[b].

of the royalist prisoners.

There were many persons in prison, obnoxious to this decision, who waited their fate from the policy, the rigour or the clemency, of the present government; among them, the duke of Hamilton, the earl of Holland, lord Capel, lord Goring, and other distinguished characters. So dark an anticipation had been formed of the fate they had to expect, that almost every one of them began to cast about for the means of evasion. The duke of Hamilton and lord Loughborough escaped from Windsor, and sir Lewis Dives from Whitehall, on the day of the king's death[c], and lord Capel from the Tower two days later[d]. At the same time general Massey, one of the forty-one excluded members, disappeared from St. James's[e]. Sir Marmaduke Langdale got off to the continent by corrupting his guards in the close of the preceding year[f]. The duke of Hamilton and lord Capel were almost immediately retaken[g].

High court of justice constituted for their trial.

One of the difficulties attendant on the pro-

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[a] See above, Vol. II, p. 585. [b] Vol. II, p. 544.
[c] Whitlocke. [d] Ibid. [e] Ibid, Jan. 18.
[f] Collins, Peerage. Lloyd, Memoirs of Loyalists.
[g] Whitlocke, Jan. 31, Feb. 4.

ceeding against these persons, lay in the question, By what law they were to be tried? The established laws of England spoke of no treason but against the king; but the offence of which the prisoners were accused, was that they had levied war, to assist the king against the kingdom and people of England[h]. The ordinary courts of law could never acknowledge the declaration of parliament to have the force of a statute; and it would be neither advisable nor safe to refer the question to the customary mode of judgment. In this affair the parliament had a precedent in the act which had been made for the trial of the king; and a high court of justice was in like manner erected for proceeding against the duke of Hamilton, the earl of Holland, the lords Goring and Capel, and sir John Owen[i]. The members of the court amounted to sixty persons[k], of whom Bradshaw was president; and Steele and Cooke officiated as attorney and solicitor general[l]. Towards the close of the ascendancy of the presbyterians in parliament, it had been voted that the duke of Hamilton should be fined one hundred thousand pounds, and that Holland, Goring, Capel, and sir John Owen, with three others

[h] Burnet, Memoirs of Hamilton, p. 385.

[i] Journals, Feb. 1, 3. [k] Whitlocke, Feb. 2.

[l] Burnet, p. 385, 396. Whitlocke, Feb. 10.

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should be banished[m]; but these votes were shortly after rescinded[n].

Defence of the duke of Hamilton.

On the trial of Hamilton it was alleged, that he was the subject of another government, (Scotland), and therefore could not be liable to the charge of treason in this country: but it was answered, that he had borne the title of earl of Cambridge in England, and under that appellation had many times sat in the house of peers; and the objection was overruled. One of his counsel was Hale, afterwards the celebrated chief justice, and his trial lasted from the ninth of February to the second of March: on the sixth, sentence was pronounced on the five persons accused[o]. Petitions were on the following day presented to the parliament from, or in behalf of the condemned; and the question was put on the fate of each. That of the duke of Hamilton and lord Capel was affirmed, *nemine contradicente:* but upon the rest there was a division. The question in favour of lord Holland, the brother of the earl of Warwick, was lost by a majority of one only; sir John Owen was respited: and in the division upon lord Goring the numbers being equal, the speaker gave his casting vote for the petitioner, alleging that he did it from the recollection of

He and two others put to death.

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[m] Journals, Nov. 10. [n] Ibid, Dec. 13.
[o] Burnet, p. 385 to 396. Whitlocke.

civilities he had formerly received from him[p]. Cromwel is reported on this occasion to have pronounced a high eulogium on the character of lord Capel, but to have concluded with observing, that, as long as he lived, the commonwealth would never be safe[q]. Hamilton, Holland and Capel suffered on the ninth of March. 1649.

Reflections.

The proceedings in this business were certainly rigorous and revolting. But, in the first embodying and endowing with individual existence a government so narrow and precarious in its foundations, what was to be done? It was requisite to shew that the builders were in earnest, and that their measures were not to be broken in upon with impunity. It was this consideration, that impelled men, so generous, benevolent and humane as the founders of the commonwealth, to agree in what was thus carried into effect.

Further severities.

On the fourteenth it was voted in parliament that sir John Stowel, and David Jenkins, the Welsh judge, should be brought to trial for their lives for their political offences in the late contention. Their trial was referred to the ordinary courts and the courts of assize. The name of the marquis of Winchester, and that of Wren,

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[p] Journals, Mar. 8. Whitlocke. Clarendon, Vol. III, p. 269. Whitlocke says, that Holland was lost by the speaker giving his voice against him; but this is a mistake.

[q] Clarendon, p. 270.

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bishop of Ely, were also put to the vote to be added to the other two, but were negatived[r]. The vote respecting Stowel and Jenkins was not followed up: they were never brought to trial. Jenkins was detained in prison till the year 1656, and bishop Wren and sir John Stowel till the Restoration[s]. At the same time Langhorn, Poyer and Powel were ordered to be proceeded against by court martial for the insurrection in Wales, and captain Browne Bushel for piracy[t]. Poyer suffered for the insurrection[u]. On the same day it was determined to inflict the penalty of banishment and confiscation on the following fifteen persons: Charles and James, sons of the late king, the duke of Buckingham, the marquis of Worcester, the earls of Newcastle and Bristol, lord Digby, sir John Byron, sir John Culpepper, sir Marmaduke Langdale, sir Richard Grenville, sir William Widdrington, sir Francis Doddington, sir Philip Musgrave, sir John Winter[w]. Here the retrospective severities ceased: it was resolved that no further names should be added to this list.

Mutiny in the army.

The first interruption of the security of the newly constituted commonwealth arose from an

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[r] Journals.

[s] Godwin, De Præsulibus. Lloyd, Memoirs of Royalists.

[t] Journals.

[u] See above, Vol. II, p. 536.

[w] Journals.

apparently trivial source, but for a short time seemed to threaten very serious consequences. The author of the disturbance was John Lilburne; and the mischief assumed the shape of a mutiny in the army. He was singularly qualified for the business which he now undertook. His fearlessness of temper never failed to supply him with a flow of words, that he could pour out without apprehension in the face of the most formidable adversary. His strong understanding enabled him to furnish his duller and more barren auditors with topics, in which they were eager to become perfect, and thus assisted them at second hand to astonish other hearers still inferior to themselves. He was therefore every way fitted to be a demagogue.

1649. Hostility of John Lilburne.

Here we have a striking example how far it may be in the power of an insignificant individual to disturb the profoundest counsels. Lilburne was a man of some family; but he had long since displayed a character, which made it impossible for persons of discernment to unite with or assist him. He was endowed with considerable talent, and a high degree of courage. He feared no man, and he reverenced no man. His comprehension in politics was of the narrowest sort; but that very circumstance tended to make him proceed right onward, without misgiving or doubt. He had enough of religion to induce him to value himself as a saint, the favourite of the

His character.

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author of the universe. He prided himself upon shewing a sovereign contempt for all those decencies and distinctions that society is accustomed to regard with deference. He was a man of fervent passions. He loved his wife, his kindred, and his blood; and he hated, with a hatred that knew neither moderation nor limit, those that offended him, or kindled his displeasure. He loved liberty according to his conception of liberty; but by liberty he understood merely a freedom for himself and others from the control of arbitrary will. He therefore did not prefer one political constitution to another, and neither aimed at, nor had any conception of, the advancement of the social character of mankind. His was a patriotism of passion only; and, like the satirist on record, it was rage that put the sword of war, the sword of justice (as he termed it), or the sword of assassination (for this at least was his plaything and his boast, though he never proceeded to actual perpetration[x]) into his hand. He was no true patriot; for he never thought of looking to ends, but to rules of privilege and law which he deemed ought never to be dispensed with. He was no true patriot; for again and again he offered to abandon his country upon terms of personal compromise. He looked with too keen an eye to his own profit and loss. He

[x] See above, Vol. II, p. 433, 434.

began with a fulness of tone, and an inflexibility of temper that promised never to yield; but, when he clearly saw an abundant harvest of pure disadvantage to himself, his perseverance once and again gave way to a concession little in accord with the magnificence of his outset.

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The project which had been formed for placing the new constitution for the political government of England on the firmest basis, was by an Agreement of the People, to be assented to and subscribed throughout the nation. The Agreement was thenceforth to be considered as sacred, so that the parliament, whose province it was to make laws, such as the public welfare and safety might from time to time require, should yet be held as not having authority to violate these provisions. This project was announced in the remonstrance of the army on the twentieth of November[y], a measure that immediately preceded the removal of the presbyterian majority from the house of commons. The form of the Agreement itself was presented to parliament on the part of the general and council of officers on the twentieth of January.

Scheme of an Agreement of the People.

The main provisions here laid down were, that the present parliament should expire on the thirtieth of April following, and that a new parliament should be chosen early in May, to commence its sittings early in June. The future par-

Agreement presented by Fairfax and the council of war.

[y] See Vol. II, p. 631.

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liaments were to consist of four hundred members, to be chosen according to a new scheme and distribution, specified in the Agreement. The electors were to be natives or denizens of England, householders, not receiving alms, or being servants to any individual. A new parliament was to be elected every second year, which should within twenty days after its meeting appoint a council of state, the authority of which should continue till the meeting of the next representative. The sittings of parliament were limited to six months from June to December, and then to dissolve: so that the ordinary powers of government continued in the council of state for the next eighteen months, unless that body, from imminent danger, or extreme necessity, should think proper to convene a parliament extraordinary, to be chosen in the same manner as the biennial parliaments already provided for. The power of the parliament was to extend to the erecting and abolishing of courts of justice and public offices, to the enacting, altering and repealing of laws, and to the exercise of the highest and final judgment concerning natural and civil things, but not concerning things spiritual and evangelical. On this last subject it was provided, that the Christian religion should be held forth and recommended as the creed of the nation, and that public teachers of this religion should be maintained from the revenues of the state; but

that such as differed from the established church, should not be restrained from, but should be protected in the exercise of their religion agreeably to their consciences[z].

These particulars were submitted to the parliament for their consideration and approval, not to be by their authority imposed as a law on the kingdom, but that they might be tendered to the people in all parts for their voluntary subscription[z].

Lilburne opposes this scheme.

Lilburne had from the first shewn himself very desirous to be consulted in all the provisions of this instrument, and had argued stoutly with the military leaders against many of its suggestions[a].

His maxims.

His favourite maxim was, that extraordinary cases did not require extraordinary remedies, and that the usual course of law and justice was equal to all emergencies. He vehemently objected to the institution of a high court of justice, and protested that he saw no reason why the king should not be tried in the ordinary way, as well as any other man. The law said, He that commits murder shall die;—it did not say, except the murderer be a king, a queen, or a prince: the king therefore, not being excepted, is necessarily liable to the penalty. He insisted accordingly that Charles should be tried by twelve men, sworn to pronounce according to justice[b].

[z] An abridgment of this paper is inserted in Rushworth, but the whole was printed at length by order of the council of war.

[a] Legal Fundamental Liberties, p. 35. [b] Ibid, p. 43.

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His reasons examined.

It is singular that an argument of this sort should have been thought worthy of a moment's attention. Lilburne's main reasoning in support of it was, that the institution of a jury allowed the party accused his challenges, and permitted him to set aside such persons as he felt himself prompted to object to; whereas, in the institution of a high court of justice the right of challenge was superseded. But how was a jury to be formed for the trial of the king? In a matter of this overwhelming importance every man's opinion was known. The jury must either be taken indiscriminately from men of all parties; and then, with the king's right of challenge, he would be sure of an acquittal: or the persons named must be decidedly of the anti-royalist party; and then the king's pretended right of challenge would operate merely as an insult upon him. Every sober and considerate person must see at once, that, however admirable may be the institution of trial by jury in ordinary cases, it was altogether incommensurate to an affair of this unprecedented nature.

Compensation of past sufferings awarded him.

Meanwhile the persons who had now the superintendence of public affairs, felt that it was of no little moment to take off the opposition which Lilburne might make to their course of proceeding. An ordinance had during a considerable part of the preceding year been depending in parliament, for granting him the sum of three

thousand pounds by way of compensation for his sufferings by the unjust sentence of the star-chamber[c]. This ordinance had lingered in its progress during the ascendancy of the presbyterians. But the independents had accelerated it; and the measure received the final sanction of the two houses of parliament in little more than a fortnight from the purgation of the house of commons by that party[d]. Two purposes were designed to be accomplished by this measure. In the first place it was probably imagined, that the ever-restless temper of Lilburne, and his unconquerable hostility to all proceedings in the originating of which he had not had a directing share, would be somewhat mitigated by the remembrance of the benefit thus conferred on him. And, secondly, the pursuit of the compensation awarded, arising from monies produced from the estates of three delinquents in his native county of Durham, would necessarily lead him to a distance from the metropolis, and thus leave the parties he threatened to annoy, at least a short interval, to ripen their designs, and complete their arrangements.

He purposes to retire into Holland.

Lilburne accordingly set out for the North about the last day of December, and did not return to London till early in February, having as yet obtained under the authority of his ordinance only

[c] Journals of Commons, Aug. 22, 26, Sept. 5, Nov. 3, 22.

[d] Journals of Commons, Dec. 21. of Lords, Dec. 23.

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a small part of the sum awarded him. His first thoughts, as he tells us, at this period, were, as on a former occasion, of expatriating himself, and retiring into Holland[e]. But the trials of the duke of Hamilton, and the lords Capel and Holland were depending at his arrival; and these, like the trial of the king, taking place before a high court of justice, were in opposition to his declared sentiments. His passions seem to have been strongly worked upon at this scene[f]; and he again plunged into the sea of politics. He had recourse once more to the plan of an Agreement of the People, prepared according to his own ideas, in opposition to that which had been promulgated by the council of war.

His intention changes.

Lilburne, himself formerly a soldier, had extensive connections in the army, and had, as we have seen, been very actively concerned in the affair of the new agents[g]. He took to him as associates, William Walwyn, Thomas Prince, and Richard Overton[h]. What was the exact nature

Seeks to excite discontents in the army.

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[e] Legal Fundamental Liberties, p. 42.

[f] Ibid, p. 65 to 69.

[g] See above, Vol. II, p. 436, *et seqq.*

[h] It is not a little singular, that two of these persons, in the pious times of which we treat, Walwyn and Overton, should have been unbelievers. Richard Overton wrote a tract, entitled, "Mans Mortality; or a Treatise proving Man (*quatenus animal rationale*) a compound wholly mortal." His proofs are drawn from reason and scripture; and his ostensible doctrine is, that "condemnation in hell is not properly, but remotely, the reward of Adam's fall, and is the wages of infidelity, or unbelief in Christ, as salvation is of

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of his proceedings is not on record. But, certain it is, he found a part of the army in a state such as his warmest wishes might demand. The commotions of the year 1647 were not forgotten. Cromwel at that time had made use of the discontents of the military, for purposes which could not have been effected in any other way. He had had no small share in giving birth to the institution of the agitators in the spring of that year[i]; and he seems not to have looked with entire disapprobation upon the proceedings of the new agents which took place in the autumn[k]. All this furnished no small materials to a person so dextrous, active and determined as Lilburne.

Orders issued by Fairfax to prevent his success.

But the situation of public affairs was now exceedingly different. Neither royalists nor presbyterians were in a condition to make head against the present government. Discontent and even mutiny among the soldiery might have been of service to Cromwel and his associates then; now nothing was so much desired as the most perfect

belief;" and that the whole human species, to whom the Christian faith has not been proposed, are merely mortal. But, as the purpose of his entire treatise is to establish man's mortality, and the immortality of those to whom Christianity is proposed is dismissed in a few lines, it is not unreasonable to conclude, that this is introduced only as a palliation, to take off the odium to which the author might otherwise have been exposed. For the sentiments of Walwyn, see a tract, entitled, Walwyn's Wiles, or the Manifestators Manifested.

[i] See above, Vol. II, p. 296.

[k] Ibid, p. 441, 442.

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discipline and order. Accordingly Lilburne had no sooner begun his intrigues, than general orders were issued to the army from the commander in chief, the object of which was to prevent such proceedings on the part of the soldiers, as were found not altogether inefficient to the ends of their commanders in 1647. It was forbidden that henceforth any private meetings of officers or soldiers should be held to the disturbance of the army, or without previous allowance from the council of war. And a committee was appointed to consider of a way, in which those might be punished, who should endeavour to breed any discontent in the army, not being themselves members of the army[1].

He addresses the parliament. Feb. 26.

This last article was expressly pointed against Lilburne; and he made haste, on the fourth day after, to present an address to the house of commons, under the name of the supreme authority of England, stating the objections of himself and his co-addressers to the Agreement of the People as tendered by the council of war, which he affirmed, if carried into effect, would be productive of the most pernicious consequences to public liberty. In a short speech which he delivered at the bar of the house on this occasion, he observed that "it refreshed his spirit to live to see this day, when that assembly had made so considerable a

[1] Whitlocke, Feb. 22.

step towards public liberty, as to declare the people the original of all just power, and themselves, as they really were, the supreme authority of the nation."

His objections to the Agreement of the People as originated from the council of war, were, that he judged it dangerous and destructive to liberty, that parliaments should sit only six months in every two years, and that the powers of government should be vested uncontroled for the other eighteen, in a council of state. He held it indispensible that parliaments should be annual, and that there should be no interval between parliament and parliament, but that the representative body should perpetually sit, with such short adjournments as they should themselves direct, and vesting the executive power in the mean time in a committee of their own members. He utterly disapproved of the institution of high courts of justice, alleged that religious liberty was not sufficiently provided for, required that the press should be altogether free from restraint, and recommended that various other reforms should be specifically provided for in a well digested Agreement of the People, which were overlooked in the document which had been submitted by the council of war[m].

His objections to the Agreement of the People.

The comments of Lilburne upon the Agree-

Their consideration dismissed.

[m] Journals, Feb. 26. Whitlocke. Englands New Chains.

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ment of the People are to be regarded as matters of insignificant interest. The text and the comment remained affairs of speculation only. The resistless tide of occurrences speedily swept them into oblivion; and, as it was not thought advisable by the rulers of the state to call together a new parliament immediately on any terms, the dispute respecting the length and intervals of their sitting became for the moment questions of inferior consideration.

Petition of soldiers.

A petition of divers officers and soldiers of the army was presented to the house on the same day, coinciding in its demands with the above suggestions[n].

Lilburne publishes his address, under the title of Englands New Chains.

Lilburne sent his protestation immediately to the press, and it was published a day or two after, under the title of Englands New Chains Discovered, a name of course sufficiently offensive to those who, by the death of Charles, and the abolition of monarchy and the house of lords, boasted that they had given liberty to their country. One of the things most expressly demanded in this rescript, was the abolition of the council of state which had sat for the first time on the nineteenth.

Its hostility to the government.

The language indeed throughout this address was in the highest degree insulting to the parliament now sitting. Lilburne spoke in terms of

[n] Journals. Whitlocke.

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asperity of the council of state, and pretended, by analysing its composition, to show how little it was likely to prove friendly to freedom: but the council of state had been nominated, and the rules of its institution constructed, by the parliament. He condemned high courts of justice as the harbingers and instruments of tyranny: but the high courts of justice originated with the parliament. He affirmed that the general officers of the army had for more than twelve months formed the project of engrossing all power into their own hands, and that by these measures they had nearly accomplished their end.—It is singular that, coming as Lilburne did with a determined purpose of vilifying and overturning every thing that had been done by the parliament from the day they had resolved on the abolition of the monarchy, he should have been allowed access to the bar of the house, and permitted there to pronounce a speech introductory to this hostile and virulent address.

Council of agitators dissolved in 1647.

It is necessary here to recur a little more minutely to the proceedings of the officers of the army and its agents in the close of the year 1647. On the eighth of November in that year, immediately previous to the rendezvous at Ware, an order had been made by the council of war, that the officers and agitators should resort to their several regiments, for the purpose of correcting the misrepresentations, and quieting the distempers, which were reported to exist in the

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army[o]. To this order a clause was added, that they were to reside with their regiments, till the rendezvous was over, and till the general should see cause to call them together again[p]. This latter condition had never occurred; and the order accordingly operated virtually as a dissolution of the council of agitators. The object therefore of Lilburne and his associates was to revive this council. It was in consequence of steps which were silently taking for this purpose, that the general orders of the twenty-second were issued, forbidding the private meetings of officers or soldiers to the disturbance of the army, or the proceeding of the military in the way of petition, without first acquainting their officers. On the other side what the malcontents claimed, was a council, such as that of the year 1647, to be composed of the general officers not hostile to the engagement of Newmarket Heath, with two commissioned officers, and two soldiers, to be chosen by each regiment[q]. The petition presented to the house of commons on the twenty-sixth, from divers officers and soldiers of the army, to the same effect as that of Lilburne, was in contravention of the orders of the council of war.

Lilburne endeavours its revival.

Letter of certain troopers to the general.

On the first of March a letter was written and presented to Fairfax, signed by certain troopers

[o] See Vol. II, p. 453.

[p] Rushworth, p. 866.

[q] Hunting of the Foxes, p. 26.

of several regiments, in which they complain of the opposition given them in the exercise of their right of petitioning[r]. They say, that in this matter they expected the encouragement of their officers, and not to have manacles and fetters laid upon them, and that, in requiring them to obtain the previous consent of the council of war, they are presented with the bare name and shadow of petitioning, while they are defrauded of its essence. And they add, that it were better that the council should in plain terms deny them the power, and pronounce them the absolute slaves of their officers, than thus indirectly rob them of their birthright.

They are cashiered.

This letter was instantly laid by Fairfax before the council of war; and, two days after, the five troopers, whose names were subscribed to it, were brought to a court martial, and, on the article of war providing against scandalous words and actions, were condemned to ride with their faces towards their horses' tails in the face of their respective regiments, to have their swords broken over their heads, and to be cashiered; which sentence was executed on the sixth of March. An account of this transaction, undoubtedly from the pen of Lilburne, was published about a fort-

[r] Whitlocke, Mar. 1. Hunting of the Foxes. Whitlocke describes this paper as being signed by eight troopers. But the letter is given at length in Hunting of the Foxes, p. 17, 18, 19, and has five signatures only.

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night after, under the quaint title of The Hunting of the Foxes from Newmarket and Triploe Heath to Whitehall by Five Small Beagles.—The day on which these troopers were cashiered, was that on which sentence of death had been pronounced upon Hamilton, Holland and Capel.

Second Part of Englands New Chains.

Nearly at the same time with the tract last mentioned, Lilburne printed a Second Part of Englands New Chains, which professes, like the former, to be directed "to the supreme authority of England, the representers of the people in parliament assembled," but was never presented. This production consists of an enumeration of circumstances, intended to shew that the officers of the army had always designed to engross an absolute tyranny into their own hands. The author further says, "If the house fails of performing its duty in overturning this conspiracy, we shall not doubt, that what we have here presented and published, will open the eyes and raise the hearts of so considerable a number of the soldiery and people, as that these men, this faction of officers, shall never be able to go through with their wicked intentions[s]." On the twenty-seventh of March the house of commons voted this tract seditious and scandalous, declared that the authors and contrivers were guilty of treason, directing that they should be proceeded against accordingly,

It is voted seditious and treasonable.

[s] Englands New Chains, Part II, p. 16.

and referred it to the council of state, to conduct the prosecution as they should conceive to be just and necessary[t].

In consequence of this order, the next day Lilburne, Walwyn, Prince and Overton were apprehended, and brought before the council of state. They were each in turn produced in the council-chamber, the vote in consequence of which they were taken into custody was read to them, and they were asked what they had to offer in their defence. Each conducted himself nearly in the same manner; but Lilburne spoke at greatest length, and was most firm and emphatical in his mode of proceeding. Before Bradshaw, Cromwel, and the rest, he betrayed no diffidence or hesitation; but with striking intrepidity protested against their authority, in the first place affirming that the law knew no such body as a council of state, and secondly denying that, if they were a council for the purposes of political administration, they had the smallest pretence to any jurisdiction over him in the way of magistracy[u]. The four prisoners were committed to the custody of the lieutenant of the Tower by a warrant from the president.

Lilburne, Walwyn, Prince and Overton are sent to the Tower.

[t] Journals. [u] Lilburne, Picture of Council of State.

CHAPTER IV.

CROMWEL APPOINTED TO THE COMMAND IN IRELAND.—MUTINEERS DECLARE THEMSELVES.—THEY ARE KNOWN BY THE NAME OF LEVELLERS.—OBJECTS THEY PROPOSE.—CONSEQUENCES THAT WOULD HAVE ATTENDED THEIR SUCCESS.—EXTENT OF THE INSURRECTION.—MARCH OF THE INSURGENTS FROM SALISBURY.—RAPIDITY OF FAIRFAX AND CROMWEL.—TREACHEROUS PROCEEDINGS OF WHITE, THE MESSENGER OF FAIRFAX.—AFFAIR OF BURFORD. THE INSURRECTION IS QUELLED.—ACCOUNT OF THE DIGGERS.

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1649. Cromwel appointed to the command in Ireland.

In the mean time it was clear that the spirit of discontent was fast gaining ground in the army: and under this circumstance the first measure that claimed the attention of the government was the employment of the military, or the consideration of how the army, or any considerable portion of the army, was to be brought into action in the way that might be attended with the greatest benefit. It was universally felt that the affairs of Ireland beyond every other entanglement most pressingly called for military aid. One

hundred and twenty thousand pounds *per* month was voted as the supply necessary for the maintenance of the army[a]; and it was referred to the council of state to confer with the council of war, as to the way in which the forces to be sent to Ireland might be modelled so as should most conduce to the service of the commonwealth[b]. The result of this conference was an opinion that the success of the Irish expedition would be best promoted by nominating in the first place the individual who should go as commander in chief[c]; and, this question being referred by the council to the parliament, and by them back again to the council, Cromwel was named on the fifteenth of March, as a fit person to conduct the expedition for reducing that country[d]. This appointment was accepted by the officer in whose favour it was made on the twenty-ninth, and confirmed by the house of commons on the day following[e]; and the twentieth of the following month was fixed for deciding by lot what regiments of the established army in England were to be employed in this expedition. The regiments out of which the election was to be made, appear to have been fourteen of horse, and fourteen of foot; and the number appointed to be drafted for Ireland was four of each class. The regiments of horse upon whom

Force with which he was to be attended.

[a] Journals, Mar. 8. [b] Ibid, Mar. 9. [c] Ibid, Mar. 14.
[d] Order Book of Council. [e] Journals.

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the lot fell were those of Ireton, Lambert, Scroop and Horton; and the regiments of foot those of Dean, Hewson, Ewer and Cooke[f].

Mutineers declare themselves.

It was thought that the prospect of active service in Ireland, and under a leader of so high character as Cromwel, would tend to mitigate the impulses of discontent; and great pains appear to have been taken to render the expedition as palatable and advantageous as possible[g]. The fixing on these regiments however seems to have been regarded as a signal to mutiny; and the early part of the month of May proved a critical period for the discipline of the army.

They receive the name of Levellers.

The insurgents on the present occasion obtained among their contemporaries the name of the Levellers. They complained of the injustice of the appellation. They protested that they had no purpose to level or destroy property, as that name might seem to imply. And their asseveration was in all probability true.

Objects they propose.

It is fit that we should consider what it was they proposed, what were their intentions, and

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[f] Whitlocke. The Order Book of Council (Mar. 15) states twelve thousand men as the amount of the intended army of Ireland. This would imply at least double the above number of regiments. See Vol. II, p. 504. We shall see however hereafter, that the supernumeraries of the regiments often reached a considerable amount, and that regiments intended to consist of eight hundred men were repeatedly recruited to twelve hundred.

[g] Journals, Apr. 11.

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what would have been the probable results, if their projects had been crowned with success.

In the first place they demanded the suppression of the council of state, and the extinction for the future of all high courts of justice. Exactly what they designed by the suppression of the council of state it is difficult to say. The affairs of a nation cannot be conducted without an administration and an executive. They wished this executive to be a committee of parliament. They objected to the long interval in which, according to Fairfax's Agreement of the People, the nation would be without a parliament[h]. The present council was nominated for one year only. It was somewhat premature, to involve the country in confusion for what was not yet carried into act, for what might never be, and what in point of fact never was put in execution. As to high courts of justice, they were certainly in themselves a serious evil. We have seen, in what has gone before, the reasons upon which the institution was founded, and we shall see more of these reasons in what is to follow.

1. The suppression of the council of state.

2. The extinction of high courts of justice.

The next thing the malcontents insisted on, was a new parliament, to be constituted with all practicable expedition[i]. We shall perceive in a subsequent chapter[k], what considerations induced the present rulers to demur to this.

3. A new Parliament.

[h] Englands New Chains. Englands Standard Advanced.

[i] Ibid.

[k] Chapter VII.

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1649. Intended dictation of the army to the parliament.

But the most considerable thing observable in the attempt of the malcontents, was that its operation implied that the army was to dictate to the parliament and the nation. This would certainly indicate a deplorable state of public affairs. The parliament was now fairly rid of an overpowering faction of presbyterians among themselves, which had been viewed with disapprobation and abhorrence by the independents; and the army was independent, as well as the parliament as now constituted. Two short months only had elapsed since this revolution, when the discontents broke out. Was the present parliament not worth a trial? Were Cromwel and Ireton and Vane and Bradshaw and Marten, and the many illustrious characters that concurred with them, so utterly vile and contemptible, that some short time should not be allowed to try how the public interests would be conducted by them in this unparalleled crisis?

Perilous consequences that might ensue.

Lilburne thought them so; or at least he said so. Whether a new parliament, if suddenly called together, would prove presbyterian, or royalist, or episcopalian, did not enter into his consideration. Were all the labours of the last ten years to be counted for nothing? If any fundamental change were to take place, and royalist or presbyterian assumed the sway, the first thing demanded would be the lives of the regicides, as an expiation for their offence. The public in-

terest, the interest certainly of liberty and virtue and national character, demanded a pause, for the minds of men to compose themselves, and for the generous individuals who had now the direction of the state, to try how far, with caution, with skill, and with maturest deliberation, they could place all that was valuable to their countrymen upon the securest and most immoveable foundation. Lilburne perceived nothing of this. He proposed to involve every thing in instant confusion, and to see what form of public organisation would rise out of the chaos. He was the slave of the rules of privilege and law which are adapted for ordinary times; and he saw some of them violated. He thought he had reason to complain of injuries he had received from several of the persons now at the head of the state; and he set these persons down for jugglers and knaves, men without principle and honour.

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But what the insurgents principally demanded, was the restoration of the council of agitators, a scheme, according to which two officers and two private soldiers were to be chosen out of each regiment, who were then to meet as a deliberative body, and to consult upon all affairs of general concern[1]. Whether the emergency under which Cromwel allowed, and probably authorised, the institution of such a council, was sufficient to

4. The revival of the council of agitators.

[1] Hunting of the Foxes, p. 26. Narrative of the Mutiny, published by authority, p. 10.

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justify his conduct, is certainly liable to considerable doubt. But to adopt it among the ordinary modes of administering public affairs, when the emergency was gone, could in no state of a civilised community be admissible. An army is a body of men, miscellaneously got together, enlisted under the direction of military men, where the leading qualifications of the enlisted are certain powers and dexterities of body, combined with a courageous spirit; to which in the present case we may add, a fervent zeal, political and religious. They are not elected by the public, nor constituted for any purposes of deliberation and judgment. Even if it were otherwise, the very circumstance of their having arms in their hands, and being initiated in such modes of discipline as should render their united strength most effectual for purposes of offence, would render them strikingly ill qualified to dictate to the peaceable and more numerous part of the community. What would have been the consequences of organising such a body, and placing it among the principal functionaries for deciding upon national affairs, scarcely any political sagacity would enable us to foresee; and certainly no man, under the direction of an enlightened love of his country, would consent to have tried, in a civilised community.

Fervour with which this object was pursued.

This however was the favourite purpose of the present malcontents. And they coloured it in

various ways, so as to appear sacred in their eyes. They recurred perpetually to the engagements of Newmarket and Triploe Heath, in which they had pledged themselves, never to separate, or to suffer themselves to be disbanded, till all their demands had been complied with, and all their arrears discharged[m]. They regarded therefore the design of drawing off a certain number of regiments for the service of Ireland as a direct violation of these engagements, and treated it as a premeditated plan for dividing and destroying the army[n]. Inspired by the suggestions of Lilburne, this was become a sort of religion to them; and their religion was not without its martyrs. The death of Richard Arnald at Ware on the fifteenth of November 1647[o], was always spoken of by them in this spirit. A similar scene occurred on the twenty-seventh of April in the present year. Five troopers were condemned to death by the council of war for mutiny, in refusing to march upon their colonel's orders, and violently taking possession of the colours of the regiment. Four of them upon their expressions of contrition were pardoned; but one, by name Robert Lockier, was publicly shot in St. Paul's Church Yard. Such was the height to which the spirit of insurrection had risen, that he was buried with funeral ho-

Martyrs of the army: 1. Richard Arnald.

2. Robert Lockier.

[m] See above, Book II, Chap. ix.

[n] Hunting of the Foxes.

[o] See above, Vol. II, p. 466.

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nours in this manner. One thousand soldiers went before the corpse, five or six in a file; then followed the corpse itself, with six trumpets sounding a soldier's knell; next, the horse of the deceased, covered with mourning; and the procession was closed with several thousand men, with sea-green and black ribbands, and a great number of women[p].

Extent of the insurrection.

The very nature of the plan of a council of agitators, implied a correspondence from regiment to regiment; and the insurgents speedily boasted that they had in their place of principal resort the agents of six regiments[q], those of Ireton, Harrison, Skippon, Scroop, Ingoldsby and Horton. They endeavoured to spread the ramifications of their conspiracy on every side. They gave out that the troops in the north and the west were animated with the same spirit, that those in Wales were ready to join them, and that, as soon as they put themselves in motion, the metropolis itself would declare in their favour[r]. The malcontents that were already in correspondence with each other, were computed to amount to five thousand[s]; and their main policy was, as soon as

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[p] Whitlocke, Apr. 26, 30. Clement Walker, Part II, §. 151.

[q] Narrative of the Mutiny, p. 10.

[r] Declaration of Proceedings, p. 6.

[s] Clement Walker, Part II, §. 158. This author, as well as Echard, Rapin, Kimber and Hume, represents them as actually assembled in one place. But that is obviously a mistake.

possible to unite in a general body, difficult to be conquered by the well affected, and affording a centre of resistance that should encourage all others whose cause and inclinations were the same, to publish their concurrence.

Manifesto: Englands Standard Advanced.

The first open act of rebellion was at Banbury in Oxfordshire. Here one Captain Thompson published a manifesto, entitled Englands Standard Advanced, and dated the sixth of May; but it probably did not make its appearance till some days later. In this paper the malcontents are made to declare that "through an unavoidable necessity, no other means being left under heaven, they are inforced to betake themselves to the law of nature to defend and preserve themselves and their native rights, and therefore are resolved as one man to attempt to redeem the magistracy of England from the power of the sword:" in other words, from the power of the chief officers of the army. They particularly engage for the preservation of Lilburne, Walwyn, Prince, Overton, and two other prisoners, and add that, "if a hair of their heads shall perish, they will, God enabling them, avenge it seventy times seven fold upon the tyrants[t]."

Thompson defeated.

Thompson marched up and down in the hundreds of Oxfordshire and Warwickshire, with about two hundred horse, declaring his resolution,

[t] A copy of this paper is given in Clement Walker, *ubi supra*.

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as soon as he had sufficiently collected his force, to proceed with his brigade into the west, and form a junction with the main body of the insurgents, who were quartered at Salisbury. But colonel Reynolds, whose own regiment was tainted with the general infection, prevented him, fell upon Banbury with a small detachment when he was least expected, and, by resolute behaviour on one side, and surprise on the other, brought Thompson's party to surrender, seized their colours, disbanded the malcontents, and sent them to their respective homes. The ringleader fled[u]. On the same day direction was given that Lilburne and his three confederates should be restrained as close prisoners in the Tower, apart from each other[w].

Insurgents at Salisbury.

We are not sufficiently informed of the quarters of the regiments engaged in the insurrection. Those of Scroop and Ireton either had their residence at Salisbury, or early formed a junction in that city. They amounted to ten colours, or five sixths of their respective regiments. They had already gone to the length of casting off all obedience to their officers, except two or three who had embraced their sentiments[x], and they marched under the command of their agents. The discontent was now so far ripe, and prepared for

[u] Whitlocke, May 8, 10, 12. Declaration of Cromwel, p. 2.
[w] Journals, May 12. [x] Narrative of the Mutiny, p. 1, 2.

immediate action, that Lilburne would no doubt have come down to them, and been received with a most cordial welcome; but that, by the precaution of the government, he and his original confederates were already secured. He had seen service in the civil war, and his qualities fitted him to make a figure in the field; but unfortunately his temper was such, that he had never found, till now, a party of military men with whose views he could cordially concur.

Hazardous situation of the state.

Every thing depended on promptness on the part of the great officers of the army. If one week were suffered to elapse, they might be plunged in a civil war, more perilous and doubtful of issue, than either of those in which they had been engaged against the king. And yet such was the thorniness of the present undertaking, that Fairfax and Cromwel, who most cordially cooperated in the present crisis, scarcely knew on which side they could look, or to whom they could trust, with security. The discipline of the army was shaken. The regiments and bodies of men they led out against the insurgents, might in the very sight of the enemy, desert their leaders, and join the standard of those they were brought forth to subdue.

Motives pressed by the generals on the soldiery.

It was fortunate for the rising commonwealth, that their interests were intrusted to men so thoroughly competent to their situation. The generals addressed themselves to the soldiers, and sought to excite their sympathy. They told them

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of the great things they had achieved in former campaigns, and the character they had acquired. The king was subdued; the bishops and nobles dispersed; every thing was prepared for a scene of equal liberty and happiness. Would they distrust the generous band of statesmen, who had secured these great things, and who were, as they, the generals, best knew, every way worthy of their confidence? Would they tarnish a discipline, the most perfect the world had ever seen? The presbyterians, the episcopalians, the partisans of absolute sway, looked with eager eyes at the contention that had now broken out. They well knew, that the triumph of the malcontents would eventually be theirs. The parliament full hardly kept its ground against enemies so numerous and so desperate. And, if the army deserted the cause of independency and the commonwealth, the floodgates of mischief would be set open, and England inundated with the worst of calamities[y]. —Never did soldiers take the field with louder demonstrations of perfect confidence in, and entire devotion to their commanders[z].

March of the insurgents:

The insurgents marched from Salisbury with the fixed intention of joining the malcontents of Harrison's regiment[a], which seems to have been quartered in Warwickshire, Ingoldsby's at Ox-

[y] Declaration of Fairfax on Occasion of the Present Distempers.
[z] Declaration of Proceedings, p. 6. [a] Ibid, p. 6, 7.

ford, and Horton's at Gloucester. The general advanced to intercept their march by Alton, Andover and Theal[b]. From Andover he dispatched a message to them, requiring them to return to their obedience, and promising them in that case pardon for the past[c]. Major Francis White, the messenger, found them already posted at Wantage[d]. They had left Salisbury more than a thousand strong, having the colours of ten troops, beside a great number of stragglers. At Wantage they fell in with two troops of Harrison's men, who had come to join them[e]. From Wantage they advanced to Newbridge, where they purposed to cross the Isis. But they were prevented by colonel Reynolds with a detachment. They turned off therefore to Farringdon, and there, partly by fording, and partly by swimming, they crossed the river, and made their way to Burford[f]. Major White, the messenger of Fairfax, unfaithful to his trust, entered into the views of the insurgents, encouraged them to memorialise the general, and told them that their demands were so reasonable, that he had no doubt they would be granted[g]. This, that was intended for friendship, produced exactly the opposite effect. It lulled them in fatal security.

Major White.

Insurgents at Burford.

[b] Ibid. [c] Ibid.

[d] White, True Relation of Proceedings at Burford, p. 2.

[e] Declaration of Proceedings, p. 8. [f] Ibid, p. 9.

[g] White, True Relation, p. 6, 7.

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1649. They are surprised.

Fairfax and Cromwel had marched that day, May the fourteenth, with unexampled rapidity. They had measured forty or fifty miles before they reached Burford[h]. They saw that they had come unexpected. They gave refreshment and repose to their horses and men till midnight[h]. The insurgents, encouraged by White, regarded this as a sort of truce, and considered the general as waiting to receive from them the inventory of their demands[i]. Precisely at midnight Cromwel entered the town with two thousand men. Reynolds waited with a detachment at the other end to shut them in. The malcontents were taken wholly by surprise. There was some firing from windows and behind walls, but no conflict[k]. The insurgents surrendered to the number of three hundred and forty men[l]; all the horses were taken; the rest of the men escaped. The prisoners were easily led to express contrition for what had passed. There were no leaders; none to conduct them to victory or security. Four persons were selected to die as an expiation for the rest, two cornets and two corporals. Of these, one, cornet Denne, who had been a favourite with the generals, and who was considered as a good soldier, and a man of sound principles, though misled on the present occasion, was spared[m].

[h] White, True Relation, p. 9.
[i] Ibid, p. 7.
[k] Declaration of Proceedings, p. 10.
[l] Ibid, p. 15.
[m] Ibid, p. 12.

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1649. The insurrection is quelled.

The advantage thus gained, was so skilfully improved by Fairfax and Cromwel, as to put an end to the insurrection. They judged it best, to preserve no record of offences, and to bury the whole in oblivion. By menaces, by expostulations, by kindness, by arguments, and by clemency, they reduced the whole army to their duty; and what might have been the ruin of the commonwealth, was thus turned into the means of additional strength. The prisoners taken at Burford were sent into a sort of quarantine at Devizes, and then restored to their regiments[n]. It was not long ere the generals were acknowledged for the fathers and guardian spirits of the army.

The extinction of an insurrection that had at one time been most alarming, was so abrupt, that not one author has delivered another word as to the means by which it was accomplished. The agents of the six regiments assembled at Salisbury must at the least have amounted to twenty-four; Fairfax speaks of colonel Ewer, or Eyres, as implicated in the insurrection[o]; and he justly observes

[n] Ibid. Whitlocke, May 19, says that it was in general orders, that every tenth man of the mutineers should die. But there is no trace of this in the narrative published by authority, nor even in Clement Walker, who was so well disposed on the subject, as to entitle the Third Part of his History of Independency, Cromwel's New Slaughter-House in England. The Perfect Politician, p. 43, says, The insurgents, beholding the execution of their fellows from the leads of the church, were saluted with a message of decimation; but at Cromwel's desire they were all pardoned.

[o] Declaration of Proceedings, p. 8.

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that there was no rule of military law that could distinguish the guilt of those who had been most conspicuous in the mutiny from that of all others, who had refused to obey their officers, and had marched with the design to join in the rebellion[p]. Yet not one man further was called to account and punished for the past; they felt in their full force the bountiful nature of Fairfax, and the generosity of Cromwel; they became convinced of the error into which they had been led, and the sad consequences that would have followed from their success; and from this hour not one refractory murmur was heard against either of these commanders.

Death of Thompson.

One slight disturbance more wound up the scene. Thompson, who had fled from Banbury, shewed himself again at Northampton, where, with two troops of horse and some who occasionally joined him in his march, he seized the ordnance, ammunition, provisions and military chest, and retired to Wellingborough. But he was closely pursued, and finally took shelter in a wood. Though alone, he rode up to his pursuers, and charged them once and again, killing some, and being wounded himself. He presented himself a third time, saying that he scorned to surrender, and would not be taken alive; and a corporal, with a carabine, or short musket, loaded with seven bullets, shot him dead on the spot[q].

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[p] Ibid, p. 11.

[q] Whitlocke, May 19, 21.

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We can scarcely quit the present subject without pausing a moment at view of the ruin, to the brink of which the nation was brought by Lilburne and his associates. If, under the auspices, and at the instigation of the levellers, a new parliament had been precipitately chosen, it is highly probable that either the presbyterians or the royalists would have gained the ascendancy, and in either case the restoration of Charles the Second would have been the immediate result. If the former party had borne the sway, the bitterest intolerance would have been established, with a church-government like that of Scotland in its worst days of fanaticism and rigour. If the latter, we may be sure, with the profligate court of the young king, and the insolence of the nobility upon this unexpected triumph, despotism in its worst and most hateful form would have been the lot of our devoted country.

Consequences that would have followed on the success of the mutiny: the triumph of presbyterians, or royalists:

But, let us suppose, which can hardly be conceived, that Lilburne would have been able to erect himself into a dictator, as Cromwel did afterwards. Lilburne had no true elevation, no genuine comprehensiveness in his nature: he was made up of hateful passions, which did indifferently well, and shewed speciously, while he was under persecution, but would have borne a very different aspect, if he had ever come to have power in his hands. The men, whom he so liberally styled jugglers and knaves, would then

or the despotic ascendancy of Lilburne and the agitators.

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have been exposed to the full weight of his displeasure. Beside this, he would have had his council of agitators, half of them chosen from, and all of them by, the private soldier, to egg him on in his furious passions, to awake them if they slept, and to have for ever supplied him with mean jealousies, and coarse and illiberal suggestions. His reign would have been like that of Massaniello at Naples just two years before[r].

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[r] That this is a just representation may be satisfactorily inferred from two or three extracts out of his numerous publications.—In a letter to Fairfax in the year 1647 he says, "I durst not but do the uttermost that I could to preserve myself, which in my understanding could no otherwise be effected, but by men with swords in their hands and resolution in their spirits, which I believe had been done ere now to purpose, if I had embraced the earnest desire of my friends, to break prison and go to them. And, give me leave to tell you without fear or dread, had I come, and could have got so many to follow me, as would have enabled me with my sword in my hand to do justice and execution upon those grand treacherous fellows and tyrants at Westminster, that have tyrannised not only over me, but the whole kingdom, I should have made no more scruple of conscience with my own hands to have destroyed them, then to have destroyed so many weazels and polecats." Jugglers Discovered, p. 3, 4. Of Haselrig he says in 1651, "Meeting Mr. Pearson at the George in Channel Row, I told him, If his master thought to keep my money while I sued him at law, it was a vain thought: for he was too great for me to encounter him that way, and I had neither money nor time to spend upon him: therefore I intreated him, as he loved sir Arthur's life and welfare, to say to him, that I wore a good dagger by my right side, and a good rapier by my left side, and if within eight days he did not send me all my money, and give me some rational satisfaction,

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The party thus instigated and goaded forward by Lilburne, received from their contemporaries, and are known in history by, the name of the Levellers. But there was another set of men, more precisely entitled to the appellation, that is

Account of the Diggers.

let him look to himself; for after that day, wherever I met him, I would pay him for all together, though I were cut into a thousand pieces on the very place." Just Reproof to Haberdasher Hall, p. 6. Again, in a tract, called Lilburne Revived, printed in Holland in March 1653, he says, "When my wife was lately with me, I told her, that my banishment was as delightsome to me as my wedding day, and I prayed her, as she loved my life, and her own welfare, not to expose me to such hazardous and dangerous new temptations, as I had lately been under. For, if it had not been for the strong affection I bore to her and my poor babes, I had with my own right hand at the house-door ended the quarrel, between Cromwel, and me and the rest of the free-born people of England; with a paper of reasons in my left hand, ready to be sent unto the speaker, and with several other in my pocket, to justify to the whole world the lawfulness of such an action by the laws of God, of nature, and of nations." Lilburne Revived, Letter 2, p. 2.

The character here described is perfectly intelligible. It is not bloodthirsty. It must be dandled and fondled and cockered into mischief. The sun must shine upon it, and all occasions minister to its violence. It is glad, when the temptation is over, and the crisis that worked up its rage, has passed by without effect. It is not like the hyena, perpetually in a rage, warning all creatures that see it to make from its path: but it has its seasons of heat and constitution, like all irrational natures, gathering gradually and imperceptibly within, till on a sudden it becomes terrible, and runs a muck at every thing that offends it.—Be it observed, that this is a picture of Lilburne's character, as it was under the cloud of adversity and contention: what he would have grown to in the genial beams of prosperity and power, is another question.

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scarcely indeed worthy to be recorded, except so far as their proceedings may tend to illustrate the character and temper of the age. These men called themselves the Diggers. The names of two of their leaders have come down to us, Gerrard Winstanley, and Everard, the former a writer of numerous tracts in support of their tenets. Their principles were, that God gave all things in common, and that every man has a right to the fruits of the earth. They professed an intention to molest no one in his possessions; but they asserted that the time was come when the whole world would shortly espouse their principles. They made their appearance at St. George's Hill, near Walton in Surrey, Winstanley and Everard being at their head, with about thirty followers; and, resorting to an open common, they began to dig the earth, and deposit in it seeds and roots. They were not however permitted to proceed without molestation. Fairfax sent two troops of horse to disperse them, who destroyed some of their implements and tools, and conducted a few of the more obstinate and petulant of them to prison[s].

[s] Whitlocke, Apr. 17, 20 Winstanley, Cause of the Diggers.

CHAPTER V.

STATE OF THE UNIVERSITY OF OXFORD.—RUINOUS CONDITION TO WHICH IT HAD BEEN REDUCED BY THE ROYALISTS.—PREACHERS SENT DOWN BY THE PARLIAMENT.—ORDINANCE OF VISITORS.—COMMITTEE OF LORDS AND COMMONS FOR APPEALS.—FAILURE OF THE FIRST VISITATION.—EARL OF PEMBROKE RESTORED AS CHANCELLOR OF THE UNIVERSITY.—SECOND VISITATION.—PEMBROKE TAKES POSSESSION OF HIS OFFICE.—NEW HEADS OF COLLEGES INSTALLED.—ACADEMICAL HONOURS CONFERRED ON FAIRFAX AND HIS OFFICERS.

CHAP. V.

Visit of Fairfax and his officers to the university of Oxford.

THE proceedings of the mutineers being thus crushed, the leading officers of the army repaired on a visit to the city and university of Oxford, where Harrison's regiment was quartered, and of which place Ingoldsby had just been appointed governor.

1646. State of that establishment.

The history of the university of Oxford, from the day of the surrender of that city to the parliament in 1646[a], has thus far been passed over

[a] See above, Vol. II, p. 171.

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by us unnoticed. It is necessary therefore that we should here take a view of the recent changes in, and the present state of that ancient establishment. We have seen how the university of Cambridge was reformed, and reduced to the presbyterian discipline in the beginning of the year 1644[b]. But the case of Oxford was widely different. This city had been made the principal residence of Charles and his court, from the autumn of 1642, to his flight and escape in April 1646. It had been a principal garrison for the king; all military expeditions had been concerted here; and the attempt that Charles made for assembling an anti-parliament, had for its scene the city of Oxford.

Its ruinous condition.

All these transactions had proved in a manner the destruction of the university. The college-plate had been melted down, to aid the king in the prosecution of the war. The principal edifices had been appropriated to the use of the king, and his followers, and of the lords and commons who constituted his parliament. The schools were used as granaries, and magazines of various commodities for the supply of the army. The scholars were turned into soldiers, and by mixing with the lowest and most profligate of the military, became like them principally occupied in gaming, swearing and drinking. Their greatest glory lay

[b] See above, Vol. I, Chap. XI.

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in the composition of songs, ballads, and scurrilous libels upon the parliament and its adherents. There was no public act solemnised during the whole of these three or four years. There were few or no lectures read, or exercises performed. The colleges were for the most part falling to ruin. The libraries were embezzled[c].

Necessity for its reform.

It was the business therefore of the parliament, to re-create the university. And, in doing this, their path was plain. A great majority of that part of the people of England who thought seriously on the subject of religion, was anti-episcopalian. In remodelling the university therefore, and raising it from its ashes, it was necessary that those who had the direction of the national affairs should accommodate themselves to this change of opinion. Add to which, in these times politics and religion were closely combined. All that remained of the university, that is, the principal officers and heads of houses, together with the herd of dissipated scholars who formed their body-guard, were not only devoted to the hierarchy, with all its magnificence of revenue and amplitude of power, but also, as an inseparable member of the same establishment, to the prerogatives of the king in their largest sense, and to the doctrine of passive obedience. The attention of parliament

[c] Wood, History of the University, in English, Vol. II, p. 475, 487, 488. Walker, Sufferings of the Clergy, Part I, p. 124.

BOOK III. 1646.

therefore was at once required, to accommodate the university to the present state of religious opinion, and to remove that focus of rebellion and despotic sway, which Oxford would always afford, as long as the establishment remained in the hands of its present directors.

Presbyterian preachers sent down by the parliament.

Oxford was surrendered to the parliament on the twentieth of June. The present rulers however proceeded cautiously, and somewhat tardily, in the execution of the great task which was thus devolved on them. In the month of September seven of the most popular preachers of the presbyterian denomination, one of whom was Reynolds, who after the Restoration was made bishop of Norwich, were sent down by order of the two houses to preach in any of the churches in Oxford[d], to endeavour to bring the university into a better temper, and dispose them to a reconciliation with the parliament and its proceedings[e]. Their exertions appear to have had a considerable effect on the town's people, but were treated by the remaining members of the university with all possible contempt[f].

1647. Ordinance of visitors.

Early in January in the following year an ordinance was introduced into the house of commons[g], for the purpose of appointing four-and-

[d] Journals of Commons, Aug. 19. of Lords, Aug. 28.

[e] Walker, Part I, p. 125.

[f] Ibid. Wood, History, p. 490, 491.

[g] Journals of Commons, Jan. 13.

twenty persons, one third of them clergy, to visit the university, to enquire into the disaffection of any of its members to the present establishment in church and state, and to exercise all the powers that had been accustomed to be exercised by any visitors, by whatever authority appointed. The same ordinance named twenty-six lords, and fifty-two members of the house of commons, as a committee, to whom the members of the university might appeal, if they deemed themselves aggrieved by any decision of the visitors. This ordinance however was so long depending, partly by a difference between the two houses, the commons insisting upon the members of their house amounting to the double of those of the house of lords, and the lords pressing for an equality[h], that it did not finally acquire the force of a law till the first of May following[i].

Committee of lords and commons appointed for appeals.

Fourteen days after the passing this ordinance, a citation was issued, being signed by ten of the visitors, requiring all the officers, fellows and scholars of the different colleges, to appear before them in the convocation-house of the university on the fourth of the following month, and to bring with them a list of all the members, officers and scholars of their respective establishments[k]. Meanwhile, it was precisely at this period that the mis-

Commission of the visitors opened. Citations issued.

[h] Journals of Lords, April 9, 20. [i] Journals of Lords. Scobel.
[k] Wood, p. 504, 505, 506.

BOOK III. 1647.

understanding broke out between the parliament and the army; and the fourth of June, the day fixed for the visitation, was the very day on which the king was conveyed from Holdenby under military escort[1].

Temper of the university.

What would have been the conduct of the heads of houses at Oxford under other circumstances, it is difficult to pronounce. They had committed themselves too far, to hope for forbearance from the present ruling powers. Countenanced by the presence of the king, and feeling that his cause and the cause of episcopacy were one, there were no lengths of hostility to which they had not proceeded, and no contumely with which they had not ambitiously loaded the innovators in the church, and the adversaries of passive obedience in the state.

The visitors are resisted. Circumstances by which the resistance is encouraged.

Meanwhile the present state of things afforded them every excitement, to proceed with the utmost effrontery and arrogance against those who were coming among them to correct them. The visitors by whom they were summoned were presbyterian; but it was evident enough that the power of the presbyterians was rapidly on the decline. Amidst the intestine divisions of those who had hitherto fought against prerogative, the officers of the university, like the king, anticipated the triumph of him who could no longer oppose

[1] See above, Book II, Chap. IX.

his adversaries in the field, imaged to themselves both parties as courting the fallen sovereign, and believed, with Charles, that neither could do without him, and that he would be able to give the law to both.

Opposition of the army to the parliament.

At this very time there was a mutiny in the garrison of Oxford, in concert with the defection of the army at head-quarters, they refusing to disband in obedience to the orders of parliament, and seizing upon the money which had been sent down to facilitate that operation[m].

Conditions required of the members of the university.

The three things the visitors were specially to insist on, were the covenant, the negative oath (or oath not to assist the king in his war against the parliament), and the directory, or formula of presbyterian church-government and worship. No person was hereafter to hold any office in, or be a member of the university, who neglected to subscribe the two first, or opposed the execution of the last[n]. On the first of June, three days before the visitation was to take place, Fell, the vice-chancellor of Oxford, held a convocation, in which a paper was consented to, and ordered to be published, entitled, Reasons of the Present Judgment of the University against each of the above particulars[o].

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[m] Wood, p. 506. Walker, p. 126. See above, Vol. II, p. 310, 311.

[n] Scobel, cap. 74.

[o] Walton, Life of Bishop Sanderson, p. 78, and Appendix.

BOOK III.

1647. Failure of the first visitation.

On the day appointed, a sermon was preached, previously to the opening the visitation, at St. Mary's Church in Oxford; and from thence the visitors passed to the convocation-house, for the purpose of proceeding with their commission. But the plan of the dignitaries of the university was already fixed. They were summoned to appear before the visitors between the hours of nine and eleven in the forenoon; and, having waited in the vestibule of the hall till the time was expired, they entered the building, and formally dismissed the assembly. In their return, Fell, attended by his beadles and other officers, met the visitors; and, a cry being set up by his followers of "Room for the vice-chancellor," he passed on. Meanwhile Fell moved his cap to the visitors, and accosted them with, "Good morrow, gentlemen; it is past eleven o'clock." Upon this occurrence the visitors consulted for some time, and at length decided under all the circumstances to adjourn the visitation till the next term[p].

Earl of Pembroke reordained chancellor of the university.

Not long after this period, an ordinance was passed by the two houses, restoring the earl of Pembroke to the office of chancellor of the university[q], who had been superseded by the king during the civil war, and the marquis of Hertford

[p] Wood, p. 511, 512. Walker, p. 127. Neal, Book III, Chap. ix.

[q] Journals of Lords, Aug. 3.

elected chancellor in his room. This ordinance of course put an end to the authority of Fell as vice-chancellor, and of all other officers appointed by the latter of these noblemen. A further ordinance was also made, explanatory of the ordinance of visitation, empowering the visitors to administer the covenant and negative oath, to call for all the books of the university, and to order into custody, and commit to prison all persons disobeying the authority hereby conveyed. St. John was at the same time directed to draw up a commission in the amplest manner, to which the great seal was to be affixed, investing the visitors in all the functions of their appointment[r]. This commission was given, according to the forms constantly employed on such occasions, in the name of the king[s].

Second ordinance of visitation.

The visitation took place on the twenty-ninth of September. Fell and the heads of the different houses were ordered to appear before the visitors, and to bring with them their statutes, registers and public writings. Refusing this latter, Fell was on the eighth of the following month formally declared to have forfeited the office of vice-chancellor, and was ordered to be attached, and brought before the lords for contempt[t]. He was committed to prison[u], and remained in confinement till the May or June of the following

Further commission opened.

Vice-chancellor sent to prison.

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[r] Ibid, Aug. 26.

[s] Wood, p. 518.

[t] Journals of Lords, Oct. 8, 22.

[u] Wood, p. 523.

BOOK III.

1647. year. The report of the visitors was referred to the committee of lords and commons for regulating the university[w], who accordingly summoned several of the heads of houses to appear before them at Westminster, to answer for their contumacy; but none of these officers, except Fell, seem to have been detained in custody[x]. They were allowed counsel to plead for them[y]; and the main argument employed in their favour appears to have been, that by their statutes they were not bound to submit to any visitors, but the king and the archbishop of Canterbury: the archbishop was dead; and, though the commission had been drawn in the name of the king, this was a fiction only, and the instrument had not his real concurrence[z]. This argument would, in ordinary times, probably have been admitted as valid; but upon occasions like the present, forms must undoubtedly give way to the demands of the public safety. In conclusion it was decided that the heads of houses who had been summoned, had been guilty of the contempt alledged against them, and they were accordingly voted to be removed from their respective offices[a].

Heads of houses summoned before parliament.

They are removed.

1648. It was not till the eleventh of *April* that the earl of Pembroke made his public entry into the

Pembroke takes possession of his office.

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[w] Journals of Lords, Oct. 30.
[x] Wood, p. 530, *et seqq.*
[y] Ibid, p. 540.
[z] Neal, Part III, Chap. ix.
[a] Wood, p. 547.

university, and the next day Reynolds, afterwards bishop of Norwich, was invested with the office of vice-chancellor[b]. Mrs. Fell, the wife of his predecessor, refusing to quit the apartments she occupied, was carried in a chair by the soldiers into the quadrangle of Christ Church, where they were situated[c]. And on the following day they put Harris and Cheynel, two of the persons who in September 1646 had been sent down by parliament to preach to the university, into possession of the office of presidents of Trinity College and St. John's. Wilkins, the celebrated natural philosopher, who afterwards married a sister of Cromwel, was at the same time installed warden of Wadham College, John Palmer warden of All Souls, John Wilkinson president of Magdalen, and Daniel Greenwood principal of Brazen Nose. Reynolds had by the same authority been made dean of Christ Church[d].

1648. Appoints Reynolds his vice-chancellor.

New heads of houses introduced.

It was not till the May of the following year, that Fairfax and the principal officers of the army paid their visit to the university. More than twelve months therefore had elapsed since the appointments last mentioned. The royalists and episcopalians had been entirely banished; and Oxford once more, principally under the administration of the presbyterians, had begun to resume

1649. Arrival of Fairfax and his officers.

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[b] Wood, p. 559, *et seqq.*

[c] Ibid, p. 563.

[d] Ibid, p. 565, *et seqq.*

BOOK III.

1649.

Their reception.

the aspect of a seat of learning and the muses. The officers were received with the utmost attention and honour. They were quartered in the lodgings of the warden of All Souls College. Their arrival was on Thursday the seventeenth. The next morning they were waited on by Dr. Christopher Rogers, the senior pro-vice-chancellor, with the heads of the colleges, and proctors, to compliment them on the occasion. On Saturday they were entertained at dinner by Dr. Wilkinson, president of Magdalen College, and after dinner proceeded to the convocation-house[e], where they were presented to Dr. Rogers[f], a person, as Wood says, of most reverend aspect, yet of no parts, only a plainness of speech calculated to fascinate the ignorant[g], by Jerome Zanchy, the proctor. This latter must have been a man of a singular character, having afterwards become a colonel in the army, and enjoying much of the confidence of Henry Cromwel and general Fleetwood[h].

Degrees conferred on them.

Honorary degrees were on this occasion conferred on the illustrious visitors, suitable to their different claims on the gratitude of the establishment as it at present stood. The degree of doctor of laws was selected to be bestowed on Fairfax and Cromwel; and that of master of arts on eleven

[e] Moderate, No. 45.

[f] Athenæ Oxonienses, Vol. II, Fasti, p. 86.

[g] Ibid, p. 68. [h] Ibid, p. 69.

distinguished officers, seven of whom had been among the king's judges, sir Hardress Waller, and the colonels Harrison, Ingoldsby, Hewson, Okey, Goffe and Rowe, together with adjutant-general Sedascue, quarter-master-general Grosvenor, and majors Blackmore and Browne. The degree of bachelor in divinity was also conferred on Barten, Sikes, Baron, Dale and Cross; Sikes being the confidential friend, and subsequently the biographer, of sir Henry Vane. Wood says, there was a list that was read, of other officers, to be made masters of arts whenever they should visit Oxford, among whom was the celebrated Joyce, and lieutenant-colonel Ralph Cobbet[i]. Zanchy and Rogers complimented the candidates in suitable speeches in Latin, and they were then conducted to their seats on the right and left of the chancellor's chair[k].

[i] Athenæ Oxonienses, Vol. II, Fasti, p. 75 to 90.

[k] Ibid, p. 86, 88.

CHAPTER VI.

CHANGES IN THE CORPORATION OF LONDON.—PLACES OF THE JUDGES FILLED.—PROCEEDINGS RESPECTING LILBURNE.—ACT OF TREASONS.

BOOK III.

1649.

Changes in the corporation of London.

In the preceding month it had been deemed necessary to change the government of the city of London, by a vote discharging alderman Reynaldson, who had refused to proclaim the act for abolishing kingly government in England, from the office of lord mayor[a], and himself, with four others (the same who had been impeached in the year 1647), from their places as aldermen[b]. The person chosen to fill the office of lord mayor for the remainder of the year, was alderman Thomas Andrews[c], a member of the high court of justice for trying the king, who had concurred in the sentence, but who did not sign the warrant of execution.

Act for abolishing monarchy proclaimed.

On the twenty-sixth of May, Cromwel being in his place in the house, the thanks of the parliament were voted to the general, lieutenant-ge-

[a] Journals, Apr. 2. [b] Ibid, Apr. 7. [c] Ibid, Apr. 4.

neral, and the rest of the officers of the army, for their services in suppressing the late insurrection and rebellion, and the seventh of the following month was appointed for a day of thanksgiving on this joyful occasion[d]. On the thirtieth the act for abolishing the kingly office was proclaimed by the lord-mayor and fifteen aldermen: and, it appearing that two aldermen were in town, and did not attend the ceremonial, they were summoned to attend the house on the first of June to answer their offence in not yielding obedience to the order of parliament. The reasons they assigned being drawn from their political sentiments and the scruple they felt in obeying, it was resolved that they should both be discharged from their places as aldermen[e]. The replacing these seven members of the corporation appears to have been attended with much difficulty: and no fewer than seven persons were chosen and excused for the ward of Cornhill in the course of about two months[f]. On the twenty-fifth of August William Steele, who had been named for attorney-general on the king's trial, was also elected to the office of recorder[f]. On the appointed day of thanksgiving, the house having accepted the invitation of the corporation of London to dine in the city, Mr. John Owen and

Visit of the parliament to the corporation.

June 7.

[d] Journals. [e] Ibid, May 31, June 1.

[f] Proceedings of the Court of Aldermen, in the Records at Guildhall.

BOOK III.

1649. Goodwin and Owen recommended for promotion at Oxford or Cambridge.

Mr. Thomas Goodwin preached before this united assembly at Christ church; and a vote was passed the next day, that it be referred to the committee for regulating the universities to take into consideration the placing these two divines as the heads of some colleges in one of the universities[g]. This is mentioned as a token of the ascendancy the independent interest, of which these men were adherents, was gaining in these seats of learning over the presbyterians.

Cromwel courts the presbyterians.

There is an obscure story in Clement Walker[h], of Cromwel's having sought at this time a reconciliation with some of the presbyterian leaders. This is sufficiently in the spirit of the proceedings of this celebrated leader about twelve months before[i]. It could not now however be intended but as a very qualified measure. The presbyterians were the avowed friends of monarchy, and enemies of religious toleration. If therefore things had been restored in the house of commons to the footing on which they had stood previously to the sixth of December, all the labours, all the virtues that had been displayed, and all the obloquy that had been incurred since that time, by Cromwel and his associates, would have

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[g] Journals, June 8. The name of Goodwin only appears in the recommendation in the Journals; but the two are joined, as was most natural, in Whitlocke and Clement Walker.

[h] Part II, §. 149. [i] See Vol. II, p. 513.

been in vain. It would have been in fact, to have laid their heads on the block, or rather to have given their lives to the most ignominious execution. But, as when Cromwel left the metropolis in the spring of 1648 to quell the second civil war, he was desirous as much as possible to disarm the hands of his adversaries, so now that he was about to embark himself and the flower of the army for the expedition of Ireland, he would no doubt have been anxious to leave the seat of government in the utmost possible security, and to surround the executive with the support of all moderate and respectable men. His efforts under this head do not appear to have been attended with any considerable success.

Places of the judges filled.

On the first of June a vote was made for filling up the places of those judges who had resigned a few days after the death of the king[k]. Serjeant Robert Nicholas and Richard Aske were named judges of the upper bench, serjeant John Puliston and Peter Warburton of the common pleas, and serjeant Francis Thorpe and Alexander Rigby of the exchequer[l]. Aske, Warburton and Rigby were made serjeants on the ninth, and the whole six received the patents of their respective offices on the twelfth[m].

Situation of Lilburne.

The insurrection of the Levellers being quelled,

[k] See above, p. 11. [l] Journals.

[m] Docquet Book of the Crown Office.

BOOK III. 1649.

nothing could seem to be more in the due course of affairs, than the proceeding to animadvert on the main authors of the insurrection. It was beyond all question that these were Lilburne and his fellow-prisoners in the Tower. Lilburne was the avowed author of that Agreement of the People which had been set up against the one promulgated by Fairfax and the council of war; he had urged, in his various publications, with persevering importunity the revival of the council of agitators; he had treated Arnald and Lockier, and all others that had been punished by military law, as martyrs; nor was there one of the manifestoes of the insurgents, in which he was not named with honour, his advices and recommendations treated as sacred, and every violation of his person and safety threatened with the severest vengeance. What further evidence of his correspondence with the insurgents existed we know not; but in the nature of things it must have been abundant; and a government so vigilant as the present, could have been at no loss to bring the matter home to him.

Embarrassment that attended the proceeding against him.

Yet was this government greatly at a loss how to proceed. He was no member of the army, and therefore could not be tried by martial law. He had been guilty of that which by the administration of all civilised communities is denominated treason. But the law of England is technical. All its proceedings are carried on in the name of

the king; and all public offences among us are stiled offences against the king. The case was the same as in the trial of Hamilton, Capel and Holland. This was no doubt one of the circumstances that stimulated Lilburne in the desperate game that he played.

His popularity.

Yet did not the present rulers think it advisable to try him before a high court of justice. He was to an unexampled degree popular; they were not strictly popular. His language was more adapted to the vulgar, and better understood, than theirs. He had only to accuse. He told the people and the soldiery, that the great officers and the statesmen had got all the good things of the nation in their own hands; it was theirs to bring into act the power of the state, and to divide among them, as they pleased, its revenues. They had taken away the king, and annihilated the house of peers, for self ends only. They treated the unhappy people, and the ill-fated army, merely as their tools. What shew of liberty now existed in England? If the soldiers petitioned for a change of government, they were brought before a court martial. Where was a more arbitrary institution ever known, than that called a high court of justice? Englishmen had for seven years fought for liberty in the field; and what was the result? A worse and more tyrannical government, and a more consummate monopoly of power, than they had ever known under their kings.

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BOOK III.

1649. Light in which he was regarded by the royalists and presbyterians.

And this language was held in a country, where the ruling party, the independents, even if they had been all united, were a clear minority of the inhabitants. The royalists and the presbyterians stood by, and enjoyed the scene. With so victorious, so vigilant, and so able a government, they dared not throw down the gauntlet of war. But they were delighted to see the conquerors fall out among themselves. They tarred them on, and endeavoured to work up their passions and their resentment. They told the malcontents that *nothing* could be more reasonable than their complaints. Judge Jenkins and others exclaimed to them at every moment, "Do you call this law? And what is liberty without law?" They watched their occasion with the utmost earnestness, and prophesied to themselves with confidence that, within a few months, Charles the Second would by means of these discords be replaced on the throne of his ancestors.

Preparations for his trial.

The final determination of the government was to try the authors of the insurrection in the ordinary courts. It was ordered early in April, that the attorney-general should take a speedy course to bring the four prisoners to justice in the upper bench, in the course of the then existing Easter term[n]. Shortly after this, the same officer was directed to advise with the council of state as to

[n] Journals, Apr. 11.

the best mode of proceeding in the prosecution[o]; and the council named six persons, Thorpe, Nicholas, Hill, Say, Steele and Cooke, to be retained to plead on the trial[p]. Not contented with this however, they next appointed the lord president of council, and the three chief judges, with Lisle, Purefoy and Scot, to be a committee to consult with the attorney-general and counsel concerning the proceeding[q]. Meanwhile a large proportion of the lower orders of the community felt the most fervent interest in the fate of Lilburne. The house was inundated with petitions in his behalf, from persons stiling themselves divers well affected persons of London and Westminster, from ten thousand well affected persons, from the county of Essex, and from a body of female petitioners. The presenters of these addresses were received with sharp reprehension, were told that the individuals who were the subjects of their petitions, would be proceeded against in the ordinary forms with all expedition, and the women, who besieged the house from day to day, were advised to go home, and mind their housewifery[r].

Petitions in his favour.

The business however was such as called on the government for nice and mature consideration.

Difficulties that occurred.

[o] Ibid, Apr. 26. [p] Order Book of Council, May 2.

[q] Ibid, May 23.

[r] Journals, Apr. 2, 18, May 2. Whitlocke, Apr. 1, 16, 18, 23, 24, 25.

BOOK III. 1649.

Any false step could not fail to be attended with consequences materially injurious. In proportion as they meditated how the indictment should be laid, in the same degree they felt the impossibility of adhering to the ordinary forms. They must either grant Lilburne counsel to plead for him, or they must refuse it. If the former, much argument would be spent upon the question of precedent, and the feeling in his behalf, which was already so widely diffused, would be greatly strengthened. If the latter, such proceeding would be censured as harsh; and, what was worse, the eloquence of Lilburne, so abundantly known, the fervour and impressiveness of his manner, the acuteness of his logic, and the suggestions and arguments that were secretly supplied to him, would produce a still more unfavourable effect.—In fine the government resolved to abandon the present prosecution in silence; at the same time that they did not judge it advisable immediately to give him his liberty, to yield to him the air of a triumph over those whom he had loaded with every opprobrious attack, and sought to the utmost of his power to destroy, and to take their chance how far with these advantages he would be able once more to blow up into a flame the embers of sedition which were hardly extinguished.

The prosecution is abandoned.

New law of treason.

All these difficulties however impressed on the government the absolute necessity of providing

for future emergencies a law, that should protect the commonwealth, as the old law had protected the king, from the rash undertakings of such as should be disposed to interrupt the peace of the community, and subvert the system under which public affairs were administered. A bill was accordingly brought in on the first of May, and passed into a law on the fourteenth, for declaring what offences shall be adjudged to be treason[s].

Its provisions.

The principal provisions of this law are, that it shall be treason, maliciously and advisedly to affirm by writing or otherwise, that the government, settled in the form of a commonwealth, is tyrannical, usurped or unlawful, or that the commons assembled in parliament are not the supreme authority, or to plot, contrive, or raise force for the subversion of the government: also maliciously and advisedly to plot and endeavour the subversion of the keepers of the liberty of England, or the council of state; or, lastly, for any person not a member of the army, to plot or endeavour to stir up mutiny in the army[t].

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[s] Journals.

[t] Whitlocke, May 1, and Clement Walker, §. 157, add a clause making it treason for soldiers to contrive the death of the general or lieutenant-general. But this clause is not in the act. It was therefore probably originally offered, and withdrawn. The same act, with the addition of a clause respecting coining, appears in the statute-book under the date of 17 July. See Scobel. Both acts were read in court on the trial of Lilburne, Oct. 26.

BOOK III.

1649. Reasons on which it was grounded.

The principle of this law was undoubtedly founded in reason and justice. The law of Edward the Third related merely to the king; and nothing was treason by that law but what was hostile to the royal person and dignity. But under a republic the state was fully as much entitled to the protection of the law, and all open acts, threatening, through a breach of the peace, the subversion of the system of government established, deserved to be met with a punishment as exemplary, as a design against the life, or war against the authority of the king, as long as the kingly office existed.

Errors into which it fell.

Meanwhile there was in this statute an innovation, that deserved to be regarded with jealousy and severe condemnation. It bore, that words, affirming by writing or otherwise, that the government, settled in the form of a commonwealth, was tyrannical, usurped or unlawful, were treason. This is not agreeable to sound principles of legislation. The old, wholsome law of England required, agreeably to the subsequent clauses of the present statute, that there should be an attempt to subvert the government, and that this attempt should manifest itself by an overt act. Words may be spoken lightly, so as not to argue a fixed design to produce confusion and rebellion. They may be the vehicles of fair argument and discussion, such as is the indefeasible, and one of the most valuable privileges of man in a sound

and just state of society. A liberal government will be slow to animadvert upon, and a liberal system of legislation slow to proscribe, those things which do not unequivocally and peremptorily threaten to produce confusion and bloodshed. A judgment of the mind unfavourable to the government, however expressed, is not treason; there must be combination and concert for the express purpose by violence to carry that judgment into effect.—The authors of this law perhaps regarded the proviso as a temporary measure, and, in the arduous and pregnant situation in which their government was placed, conceived it just by no common penalties to guard against even scurrility and abuse.

Lilburne is discharged on bail.

As the time approached for Cromwel to embark for Ireland, it was probably for that reason determined that Lilburne should be dismissed on bail. The vote for that purpose, on the alleged ground of sickness in his family, was made on the eighteenth of July[u].

[u] Journals.

CHAPTER VII.

QUESTION RESPECTING THE DISSOLUTION OF PARLIAMENT.—REASONS WHICH PROMPTED THE GOVERNMENT TO DEFER THAT CRISIS.—QUESTION OF AN ADJOURNMENT OF PARLIAMENT DEBATED.

BOOK III.

1649. Question respecting the dissolution of parliament.

THE most important question that at this time called for the discretion and judgment of the rulers of the state, was that which related to the dismission of the present parliament and calling another. The vital principle of the English constitution, or, perhaps it were better to say, of representative government, is in successive parliaments. The present house of commons had sat for a period wholly unknown in our history. The critical state of affairs had rendered their protracted sitting necessary. The act declaring that this parliament could not be dissolved but by their own consent, was the corner-stone of all their public services, and of all the liberty that has since existed in this island. The legislature that had been guided in their original measures by Hampden and Pym, and that, after their early decease, had been worthily, and in an eminent

Character of the present parliament.

degree in their spirit, conducted by their successors, is perhaps, all things considered, the most illustrious assembly, whose acts are recorded in the history of the world. They had now completed all that originally they undertook. They had conquered the determined enemy of parliaments; they had finished the civil war; they had destroyed despotism—for he that had grasped the sceptre was no more; and his family, and even the idea of government to be vested in the hands of a single person, was publicly proscribed. All that remained to complete their glory, was for them to put an end to their authority, and tranquilly to deliver up their power into the hands of their successors.

Duties they were further called on to perform.

To do this however with favourable auspices was itself a business surrounded with difficulties. Monarchy was at an end; the house of lords was extinguished; it had been solemnly decreed that the commons of England in parliament assembled were the supreme authority. But all was yet in a state of convulsion and uncertainty. The tempest might be said to be over; but the atmosphere was loaded with threatening clouds, and the waves swelled this way and that with no unequivocal tokens of uneasiness and turbulence. This was the task that it fell to the present possessors of the legislative power to perform; to produce that calm, to adopt all those preliminary measures, which might enable the present parliament safely

BOOK III. 1649.

to deliver up the reins of political power to the next. They had advanced far to this end. They had erected a council of state, which comprised in its body much of what was most extraordinary in talents, and most unquestionable in public spirit and disinterested virtue, that was to be found in the nation. Their march had been impeded by the question, which was started just in this point of time, of the council of agitators. That assembly had not once met since the autumn of 1647. The men who shewed themselves impatient for its revival professed no respect for the talents, the virtues, or the intentions of the present leaders. It may be asserted without temerity, that they had no skill in state-affairs, that they understood little of what belonged to social and political happiness, and neither comprehended nor considered the perilous circumstances under which the fortune and future welfare of their country were placed. They were the men who affirmed that the king ought to have been tried by a lord chief justice and a jury of twelve men, and who condemned the council of state, as a substitution of a body of forty tyrants instead of one. They would, without thought, reflection or doubt, have plunged every thing into instant confusion. It was necessary they should be put down. It was necessary that it should instantly be made known, that England was not to be delivered over to a council of private soldiers chosen by their brothers in the

Impediments they had had to encounter.

ranks. This arduous task was accomplished with the skill that marked all the measures of the present leaders. A mutiny was encountered with celerity, firmness and clemency, which, if any one of these qualities had been wanting, would have spread like a conflagration, and have involved the whole country in one wide scene of unmingled anarchy.

Obscurity which rests upon the history of this crisis

As the real history of this period has never been written, we are reduced at this distance of time to glean it rather from indications than from documents, and to supply from patient industry, and what may almost be called, microscopical observations, that outline of counsels, which is in many other cases afforded by public declarations, or the private memoirs of some of the leading persons concerned. Nothing of this kind is now known to exist[a].

Difficulties which attended the dissolution of parliament.

It had been originally recommended in the Agreement of the People presented to the house of commons on the twentieth of January by Fairfax and his council of officers, that the present parliament should terminate its sittings on the thirtieth of April. But a variety of circumstances had prevented that recommendation from being carried into effect. The mutiny in the army had first shewn itself in an open form on the first of

[a] Ludlow's Memoirs and Whitlocke's Memorials are wholly silent on the subject here treated of.

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March. Of course it had been known to exist, and had been traced in its indications and preliminaries by men so penetrating as Cromwel and his associates, before that time. On the fifteenth Cromwel had been named by the council to command in the war of Ireland, and to take with him twelve thousand men. The insurrection was extensively spread, and had called upon it the whole attention of government, at the very time that had been proposed for the dissolution of parliament. A measure therefore of so critical and momentous a nature could not have been executed at that time.

Preliminary steps taken on the subject.

The first of May is the day on which we trace the earliest mention of the subject in the Journals. It was then determined that the business respecting due elections and equal representatives should be taken into consideration on the third day following. It was mentioned again on the fourth and the fifth; and on the eleventh was revived in the shape of a debate on the question of putting a period to the present parliament, which was referred to a grand committee, or committee of the whole house. The committee sat on the fifteenth, and prepared a resolution, which was immediately after voted by the house, that, previously to the naming a certain time for the dissolution of parliament, consideration should be had of the succession of future parliaments, and the regulating their elections. This consideration was referred to a committee, consisting of Vane, Ireton, Scot,

Nathaniel Rich, Algernon Sidney, and four others, who were to present to the house heads proper for their deliberation in determining on the subject. They were directed to sit every Monday and Friday[b].

Obstacles which opposed their proceeding.

It would certainly have been no difficult matter to complete this measure, to ripen the plan of equal representation, the outline of which was contained in Fairfax's Agreement of the People, to issue writs for the election of a new parliament in conformity to that plan, and for the present assembly of legislators to resign the power into the hands of their successors.

The band of statesmen who now administered the affairs of England stood on the brink of this change. But they paused, before they made the leap, before they engaged in a proceeding, which, once adopted, could never be recalled.

Nature of the present government.

The government of the country was at this time in a very artificial and unnatural condition. The existing power and organisation rested in three bodies of men: the council of war, who had purged the parliament on the sixth of December; the parliament, or house of commons, such as it remained after that reduction of its numbers; and the council of state, which had been appointed by the mutual understanding and concord of the other two. These three bodies of men were in

[b] Journals.

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perfect harmony; the majority of the house of commons, since the event of the sixth of December, had espoused and approved the ideas of the council of war; and the council of state, which was in reality a selection of the ablest and fittest members from the other two, was employed, with assiduity, sagacity and energy, in carrying on the executive government in a way corresponding with the designs and conceptions of their creators. The whole of these, in their authority over the nation, and they retained for the present the acquiescence or submission of the great body of the people, hung by a single thread. The council of war and of state were arbitrary combinations of men: but the parliament had been chosen by the people. It is true, they were reduced by the compulsory absence of many of their members, and by other circumstances, to a small number, and were stiled by Lilburne and other audacious and inconsiderate men, a mock parliament. Still they bore the magic name—a parliament: the laws of England by old prescription were accustomed to emanate from the parliament of England. Constituted as they were, they could not be despised. The abilities of Cromwel, Ireton and Vane, countenanced by the virtues of Fairfax, Ludlow, Bradshaw and Scot, necessarily commanded respect. They had in their service the professional talents of Whitlocke, St. John, Rolle, and the gallant Blake. They were recommended

Character of its members.

to public favour by the wit of Marten, and the literature of Milton. They included in their council the earls of Pembroke, Salisbury, Denbigh and Mulgrave, with viscount Lisle, son of the earl of Leicester, and brother to Algernon Sidney. Such was the present house of commons; such the present administrative government.

Views they entertained respecting a dissolution.

The great statesmen who guided the machine of the commonwealth, at this time began seriously to ponder the consequences of dissolving the parliament, and originating another by a general and equal election. They had bought the present state of England at a dear price, with struggles, not to be paralleled, against the powerful parties of the royalists and the presbyterians. They had consummated the death of the king, a virtuous and heroic act in their opinion, a crime of the most flagitious nature in the judgment of the parties that opposed them. If the present system were suddenly overturned, the persons who had achieved this deed, would be consigned to the hands of the public executioner. They had established a republic without king or house of lords, the only government in their opinion worthy of the allegiance and support of men arrived at the full use of their understanding. They felt in themselves the talent and the energies to conduct this government with success. They wished to endow it with character, and gain for it respect. Having shewn their countrymen practically what

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a republic was, they purposed to deliver it pure and without reserve into their hands, to dispose of as they pleased. This was their project.

Sentiments of the community towards the government.

The present state of England was of a memorable sort. The great mass of the community, through all its orders, was now, particularly after the able and successful administration of the commonwealth in its first six months, content to submit at least for the present to the existing government. But probably not more than a third part of the nation were sincere adherents to the commonwealthsmen and the independents. The other two thirds consisted of royalists and presbyterians. Both of these, however disposed for a time to rest on their arms, were but so much the more exasperated against their successful rivals. The royalists, during the whole reign of the commonwealth and of Cromwel, never ceased from their plots and intrigues for the restoration of the son of the royal martyr, who now began to be considered by his devoted adherents more as a divine, than a human, being. The presbyterians, exclusively of their love of power, of which they had a sufficient feeling, held it as the cause of God himself, to establish a parity of clergy, and to suppress all modes of faith, worship, and church-government, but their own. Both these parties were for a monarchy, to be established in the line of the house of Stuart. Both were averse to the endurance of any religious

system but their own. Stubbe, the *protégé* and intimate friend of Vane, says, the supporters of intolerance were five parts in seven of the inhabitants of England [c].

Speech of Henry Marten on the subject.

An apposite simile of Henry Marten is recorded by Clarendon, on this question between the old and a new parliament. He said, that when the child Moses was found by Pharaoh's daughter, exposed on the river's brink in an ark of bulrushes, the princess, desirous that the best care should be taken of the bantling, ordered that the mother of the child should be found, and the charge of its preservation and nurture be committed to her. He advised those who had the disposal of the present question, to take example from this scripture. Their commonwealth was yet an infant, of a weak growth and a tender constitution; and therefore his opinion was, that nobody could be so fit to nurse it, as the mother that brought it forth, and that they should not think of putting it into other hands, till it had acquired more years and vigour [d].

Progressive improvements which had been effected.

Opinion is an arbitrary sovereign in human affairs; and time is that which most of all fastens theories, systems, institutions and tastes upon the favour of mankind. The present rulers saw that it was now but a small portion of their country-

[c] Defence of the Good Old Cause. Preface.

[d] Clarendon, Vol. III, p. 477.

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men that were republicans. But a commonwealth was established: and it could not be overturned without convulsions, bloodshed, the massacre by form of law or otherwise of those whose talents now adorned the helm of public affairs, and without innumerable calamities. According to a common figure, the vessel of the state would be turned without rudder and guidance into a raging ocean; and upon what rock it would split, and what would be the issue of the adventure, it was not in human sagacity to pronounce. There were besides, two things which the present governors by their energies and perseverance had obtained, which they valued above all price. These were, the administration of a state without the intervention of a sovereign and a court, and the free and full toleration of all modes of religious worship and opinion. They would have held themselves criminal to all future ages, if they supinely suffered the present state of things, and the present operative principles to pass away, if they could be preserved.

Way in which they were to be preserved:

Cromwel, and Ireton, and Vane, and the rest, were intimately persuaded, that by a judicious course of proceeding these advantages might be preserved. If things were allowed to continue in their present state, and if by a skilful and judicious administration the commonwealth came by just degrees to be respected both abroad and at home, they believed that many of those persons

1649. and the character of the system to be raised.

who now looked upon it with an unkind and jealous eye, would become its warmest friends. They felt in themselves the ability and the virtue to effect this great purpose. The commonwealth was now viewed with eyes askance, and with feelings of coldness, if not of aversion. But, when once it was seen that this form of government was pregnant with blessings innumerable, that it afforded security, wealth, and a liberal treatment to all in its own borders, and that it succeeded in putting down the hostility of Ireland and Scotland, in impressing with awe Holland, France, Spain, and the various nations of the continent, and in gaining for England a character and a respect which she had never possessed under any of her kings, they believed that the whole of the people in a manner, would become commonwealthsmen, and would hold embraced in the straitest bonds of affection a government, to which now they had little partiality. They sanguinely anticipated that they should effect all this. And then how glorious would be the consummation, to convert their countrymen to the cause of freedom by benefits and honours, to instil into them the knowledge of their true interests by the powerful criterion of experience, and finally to deliver to them the undiminished and inestimable privileges of freemen, saying, Exercise them boldly and without fear; for you are worthy to possess them!

Consummation that was proposed.

BOOK III.

1649. Right of the government to proceed after this method considered.

A question of extreme delicacy arises in this place, whether the present rulers had a right to govern, and to continue a system of government over, their country, in opposition to the will of its inhabitants? In other words, Whether it is allowable to impose the most unequivocal benefit upon a man, or a body of men, which he or they want the inclination to accept? Theory says, No. But in the complicated scene of human affairs there is no theory that will fit all cases. Among beings capable of pleasure and pain, of enjoyment and suffering, the general advantage is the supreme law, to which all others give place. The hazard and the evil are in one man setting up his judgment, and superseding the judgment of others, when the affair is theirs. His intention may be the purest that can be imagined. His judgment may be enlightened in the highest possible degree. But this is perhaps one of the cases, in which the event must decide upon the soundness of the proceeding. If the usurper, for such though in the mildest sense we must stile him, succeeds, it is well. If he really effects all the good he proposes, if in the close of the affair he delivers up unlimited powers into the hands of a people now prepared for the wholsome use of them, and they become wise and manlike and virtuous and happy, Yes,—infallibly he did well. It is to be feared, that in a case of this infinite moment and difficulty, by this criterion he must be content to be judged.

CHAP. VII.

1649.

By the act of the first of February it had been determined, that no person should be admitted to sit and vote as a member of the legislature, till he had declared his dissent from the vote of the fifth of December, that the king's answers to the propositions were a ground to proceed on for the settlement of the kingdom. The number of those who on that day voted for the negative was eighty-three[e]. But every member was now required to enter his dissent; and by a careful collation of the Journals it appears, that the number of these, between the twentieth of December and the thirtieth of June following, could not be less than one hundred and fifty[f]. There were only six writs issued during this period; and these were in the room of members deceased.

Number of the present sitting members.

The ninth of June may be considered as the day on which the government first manifested its intention of continuing the existence of the present parliament. On that day it was resolved, that such members of the house as had not sat since the beginning of December should state their cases by the last day of the present month to the committee for absent members, which if they neglected to do, writs should then issue for

Resolution concerning new writs.

[e] Journals.

[f] This number is also assigned by Echard. See above, Vol. II, p. 648. Though a high-church bigot, his work is nevertheless the best general collection of facts respecting this period under the name of a history, that has yet been published.

BOOK III.

1649. Question of a recess of parliament taken into consideration.

new elections in the place of those who should so neglect[g].

On the eleventh a still more unequivocal proceeding was adopted. It was referred by vote to the council of state, to prepare, and present to the house, such things as should be necessary and fit to be taken into consideration and passed, previously to an adjournment of parliament[h]. This was in the spirit of Fairfax's Agreement of the People, which proposed that future parliaments and councils of state should be chosen every two years, that the parliament should sit for six months, and that the council should administer the public affairs during the remainder of the term. This question is repeated frequently in the Journals[i], and occurs for the last time on the twenty-fifth of July. The council also named Bradshaw, with Whitlocke and Lisle, commissioners of the great seal, as a committee, to consider what new powers it might be fitting to place in proper hands for the due administration of public affairs during the recess[k]. A vote was twice made, that for eight days no private business should be admitted, but public business *should* be taken into consideration only[l]. The question

[g] The entry of this resolution is obliterated in the Journals. I have therefore endeavoured to supply the sense of it from Whitlocke and Clement Walker.

[h] Journals. [i] June 25, 27.

[k] Order Book of Council, June 29.

[l] Journals, July 25, Aug. 2.

of a recess however was at length silently abandoned; and from the tenth of August forward, parliament fell into the habit of adjourning its sittings from Thursday in one week, to Tuesday in the next. About the same time twelve more persons, upon the report of the committee for absent members, were admitted to sit in the house[m].

It is abandoned:

This dismission of the question of a recess carries along with it an important fact, the causes and the authors of which cannot perhaps now be traced. If the council of state were to sit, agreeably to Fairfax's Agreement of the People, eighteen months out of twenty-four, or for any considerable period, without a parliament, it then became the executive with scarcely less power in the whole body (though free from the objections that lie to a single person) than was accustomed to be exercised by the kings of England. But, with a parliament perpetually sitting, they were most materially reduced in their authority and shorn of their beams.—The question of new writs in the room of members deceased, seems also at the same time to have been laid aside.

together with that of issuing new writs.

[m] Ibid, July 23, Aug. 3.

CHAPTER VIII.

CHARLES THE SECOND INVITED TO SCOTLAND AND IRELAND.—MAKES HIS ELECTION FOR THE LATTER.—STATE OF IRELAND.—VISCOUNT LISLE LANDS THERE AS LIEUTENANT.—HE IS SUPERSEDED.—ORMOND SURRENDERS DUBLIN TO THE PARLIAMENT, AND LEAVES THE KINGDOM.—FLUCTUATIONS OF SUCCESS IN THAT COUNTRY.—ORMOND RETURNS IN THE CLOSE OF 1648.—FORMS AN ALLIANCE WITH THE CATHOLICS.—PROCLAIMS KING CHARLES THE SECOND.

BOOK III.

1649. Charles the Second invited to Scotland and Ireland.

THE news of the death of Charles the First was no sooner communicated to the two neighbour-kingdoms of Scotland and Ireland, than Charles the Second was proclaimed, by order of the parliament in Edinburgh, and by the marquis of Ormond in such places, being at that time a very considerable part of the island, as were under his authority in Ireland[a]. Messengers were dispatched from each of those countries, inviting the king to come and put himself at the head of his adherents[b]. Charles was no long time in

Makes his election for the latter.

[a] Balfour, Vol III, p 387. Carte, Vol. II, p. 55. Heath, p. 232.

[b] Balfour, p. 391, 393. Carte, p. 62, 63.

determining for which of the two he should make his election. The Scottish nation, and especially those who were in power, and constituted the parliament, were rigid presbyterians, and would be sure to admit him on no other terms, than the establishing of that system, and even his personal conformity to their discipline. Charles inherited a perfect detestation for the religion of this his ancient patrimonial realm. In Ireland he would be fettered by no such unpalatable conditions. He would land there in the character of an absolute prince, and, if the majority of his subjects were Roman Catholics, he looked on that bias in the minds of his people with very different feelings.

The government at home directs its attention to that quarter.

The same motives that determined Charles to give his first attention to Ireland, operated in a similar manner upon the heads of the commonwealth. Presbyterianism was a religion which they regarded with disapprobation for scarcely any other reason, than its principle of intolerance. But popery they considered with an abhorrence, to which it is difficult for words to do justice. Its magnificence and ceremonies, calculated to impress with awe an unprejudiced mind, they named idolatry. They recollected the boundless oppressions and usurpation of the church of Rome in the middle ages. They recollected the fires that had been lighted to consume the Protestants in Smithfield and other places. Their antipathies

BOOK III. 1649.

had recently been awakened, by the cruelties exercised by the Irish on the breaking out of their rebellion in 1641. Beside which, a war to reduce Ireland to its former subjection would be popular with almost all parties. The presbyterians demanded this equally with the independents. The genuine adherents of the church of England looked on popery with detestation. The popularity therefore which the present leaders burned to acquire, could not so effectually be secured by any measure as by an expedition against Ireland.

1646. State of Ireland.

The marquis of Ormond had concluded a peace with the Catholics of Ireland in March 1646[c]. But this proved a fruitless proceeding. The peace was broken into two parts: the public treaty concluded by the lord lieutenant; and the secret articles arranged by Glamorgan[d]. The pope had appointed a nuncio for the affairs of Ireland, who reached that country in the preceding November[d], a man restless, ambitious and vain. He had not been able to prevent the conclusion of the treaty; but he knew how to provide against its taking permanent effect. A perfect bigot and Italian, he could not endure to assist or tolerate the cause of a heretic prince; he resolved that Ireland should have no temporal superior but the pope, or should be placed under the protection

The nuncio marches against Dublin.

[c] See Vol. II, p. 162.

[d] See Vol. II, p. 110, 111.

CHAP. VIII. 1646.

and guidance of Spain, or some Catholic sovereign. He had an admirable topic for his present purpose, in the division of the treaty, and the circumstance that the religious articles were for the present to remain undivulged; and he easily brought the clergy to his views. He insisted that both parts of the treaty should be published; and, Ormond refusing, he contrived to march an army of sixteen thousand foot and sixteen hundred horse for the capture of Dublin in the close of October[e].

Ormond proposes the surrender of that city to the parliament.

Ormond had no forces capable of contending with such an enemy. He was placed therefore in a perilous predicament, and was reduced to chuse between two evils. If he surrendered Dublin to the Catholic army, he would inflict a grievous injury on the cause of the king. Whatever he did, would be considered as the act of the sovereign. And all that had been imputed to Charles of secret favour to the Irish Catholics would be aggravated, if at this time his lieutenant should surrender the capital into their hands. But the only alternative against this, was an application to the English parliament. On this Ormond determined. Charles was now in the hands of the Scots. The presbyterians were triumphant in both the realms of Britain. They were known to be favourable to monarchy, and to have

[e] Carte, Vol. I, p. 587, 588.

BOOK III. 1646.

no personal hostility to the reigning sovereign. They were only obstinately bent upon their own system of religious discipline. It was therefore unavoidable to conclude, that, whether the submission came from him, or from the subjects who had taken arms against him, a compromise would be made, and Charles would be restored. In that case the giving up Dublin to the parliament, would be merely a temporary expedient, and productive of no evil. Ormond therefore, on the first appearance of a new war, and a month before the enemy shewed himself before the walls, sent off his messengers for London[f].

Viscount Lisle made lord lieutenant.

Viscount Lisle had been appointed by the independents to the lieutenancy of Ireland, early in the present year[g]. But a variety of obstacles had delayed his entering on his charge. The horror entertained by all parties in the English parliament against the Irish Catholics, was such as could not be exceeded. But they had too many objects pressing upon them nearer home, and too much occasion for the presence of their army here, to be able to send out this nobleman in a manner that might seem to do justice to such an appointment. In the mean time the presbyterians gained the ascendancy in the parliament[h]. Lord Lisle was impatient, particularly when this

[f] Journals of Lords, October 13, 15.

[g] See Vol. II, p. 160. [h] See Vol. II, p. 220.

CHAP. VIII.

overture came from Ormond, to do something worthy of his own character and that of his family. The presbyterians, though with no friendly feelings, suffered him to embark in February 1647; and he took with him a select band of friends, names afterwards celebrated in history, Algernon Sidney, his brother, George Monk, and Thomas Harrison. These he took, not as belonging to any corps destined to that service, but he asked them of the house as companions of his enterprise, and leave was given accordingly[i].

1647. He embarks.

The negociation however was not yet perfected between Ormond and the parliament; they sent out commissioners to complete it at Dublin[k]; and Lisle and his forces disembarked at Cork in the province of Munster[l]. But here he found an adversary, under the guise of an ally, who completely neutralised all his efforts, no other than the earl of Inchiquin, lord president. Inchiquin had left the royalists, and joined the parliament from pique; but, after the lapse of two years, his resentment wore away, and the habits of his mind resumed their ascendancy. He therefore wrote to lord Lisle at Bristol, intreating him to bring no cavalry, as, if he did, they would be starved for want

Lands at Cork.

Manœuvres of Inchiquin.

[i] Journals of Commons, Nov. 12, Jan. 11, 25. Whitlocke, Jan. 25.

[k] Whitlocke, Oct. 27, 1646. Carte, p. 587.

[l] Whitlocke, Mar. 9. Leicester's Journal, p. 13, 14.

BOOK III.

1647.

of forage[m]; and, when he had landed, employed every resource which he derived from his superior knowledge of, and influence in the province, to baffle the measures of the new lord lieutenant.

Vicount Lisle returns home.

In the mean time the presbyterians, who looked with a jealous eye on the possible success of their officer, were not idle at home. His appointment had originally been for one year, and that was now on the point of expiring. The principal affair which engaged their present attention, was the breaking Fairfax's army; and for that purpose they voted that a considerable part of it should be embarked for Ireland. In the progress of this business they resolved on the first of April, that the civil government of Ireland should be kept distinct from the military, and be vested in two lords justices[n]; and the next day, that Skippon should be field-marshal and commander in chief in that island[n]. In the following week they displaced Algernon Sidney, who had been appointed governor of Dublin[o], and named colonel Michael Jones, one of the commissioners for receiving the surrender of that city, in his stead[p]. Lord Lisle had no alternative left but to reimbark for England, after a short residence of less than two months[q]. Such are the operations of party-spirit;

Skippon appointed commander in chief.

Michael Jones made governor of Dublin.

[m] Leicester's Journal, p. 13. [n] See Vol. II, p. 287.

[o] Order Book of the Committee of Derby House, Nov. 17, 1646.

[p] Journals of Commons, Apr. 8.

[q] Leicester's Journal, p. 17.

CHAP. VIII. 1647.

and thus an expedition, which began with the fairest promise, was defeated. We know nothing of lord Lisle in this, the most critical period of his life, more than consists in the admirable choice he made of the officers who should command under him.

He defeats the Catholic army near Dublin.

The Protestants of Ireland derived small aid from the parliament in the year 1647. The English nation was fully occupied with the contention between the army and the independents on the one hand, and the presbyterians on the other. Yet the success was greater than could reasonably have been expected. Jones encountered the army of Preston, double his own in numbers, at Dungan hill not far from Dublin, on the eighth of August, and gained a complete victory[r]. Inchiquin, who yet fought under the standard of the presbyterians, also obtained considerable advantages. He took Cahir and Cashel in Tipperary[s], and gave a signal defeat to the army of lord Taaffe near Clontark[t].

Cabals at Hampton Court.

Ormond in the mean while had no sooner surrendered Dublin into the hands of the commissioners in July, than he came over to England, and repaired to the king at Hampton Court. He found this palace a scene of the most restless cabal. Fairfax and the army had just entered

[r] Rushworth, p. 779, 780, Carte, Vol. II, p. 4, 5.
[s] Rushworth, p. 823. Carte, p. 6, 7.
[t] Rushworth, p. 916. Carte, p. 9.

BOOK III. 1647.

London, and put the independents into possession of the ascendancy in parliament, while the other party, baffled, but not crest-fallen, determined to leave no means untried to reestablish their authority. Charles more at liberty than he had yet found himself since the day that he had quitted Oxford, and environed with something of the splendour of a court, called the royalist nobility round him, and felt resolved to use this occasion for making a last effort to recover the fulness of his prerogative. The Scots presbyterians, as well as the English, determined not to endure the insult, or rather the trick (such they regarded it), that had been put upon them. They resolved to make one strong and combined effort. Charles in the mean time charged his personal friends to be on the alert, and to take up arms in his behalf, without which, he said, he could promise himself no great advantage from the success of the presbyterians, either English or Scots. It was these consultations, that led to the mingled and perplexed scene of the civil war of 1648[u].

Ormond promises to return to Ireland.

Ormond took a share in all that went on, and promised the king that he would return to Ireland, that, by his operations there, he might assist the efforts, scattered in situation, but all tending to one point, the defeat of the independents, that distinguished the campaign of that year[w].

[u] See above, Vol. II, p. 394 to 397.

[w] Carte, Vol. II, p. 12, 15.

CHAP. VIII.

1647.

The face of affairs in Ireland had in reality experienced a change favourable to the king, from the very event which seemed at first sight most injurious to his cause, the surrender of Dublin, and the withdrawing of Ormond from the kingdom. The nuncio had succeeded in breaking the peace concluded with Ormond and Glamorgan, and for a time appeared to have the uncontroled command of the Catholics in that kingdom. But, in proportion as his character developed itself, the confederates became jealous of his policy. They favoured for the most part the restoration of the authority of Charles, the property of many of the Irish, and of the whole of the descendants of the English settlers, being closely connected with the ascendancy of the English crown. As long as a Protestant lord lieutenant remained in the country, the nuncio engrossed to a great degree the direction of their measures. But it was no sooner known that Ormond had resolved to withdraw, than many of the Catholic leaders applied to him to defer his departure[x]. Not succeeding in this, they next directed their exertions to the gaining a majority in the general assembly that was to meet in November[y]. This object they effected; and it was soon resolved to dispatch agents to the queen, the prince of Wales, and the court of France, to request that the prince would

Occurrences which had followed upon his departure.

Overtures of the Catholics to the queen and prince.

[x] Carte, Vol. II, p. 4.

[y] Ibid, p. 16, 18.

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come over to command them, or that some sufficient person might be appointed for that purpose[z]. This sufficient person there was no doubt would be Ormond, who was now with the exiled court[z]. Preston and Taaffe had joined their instructions and desires to those of the general assembly.

Doubtful state of Ireland.

Inchiquin had for some time been secretly a royalist. He had corresponded with Ormond from the period in which that nobleman quitted the government, and invited him to resume the chief command in his province of Munster[a]. He now took occasion from the revolution in the English parliament, to publish a remonstrance against the successful party and the present authority in that country[b]. Jones was also a presbyterian. For some time it was uncertain whether both would not declare against the government at home. In that case the whole Protestant party in Ireland would have been thrown into the scale of the authors of the second civil war; and the parliament might have been reduced to the extremity of not possessing a foot of land, or a port at which to land their troops, through the whole of that kingdom.

Monk appointed to command in Ulster.

At this time it fortunately happened that Monk

[z] Ibid, p. 21, 26.

[a] Carte, p. 15. Clarendon, Historical View, p. 84.

[b] Rushworth, p. 802. Carte, p. 9.

obtained the appointment of commander in chief of the forces in Ulster[c]; and he landed at Dublin on the fifth of September[d]. His connections had been among the independents; and he was on the most confidential terms with Cromwel[e], between whom and himself there was a considerable similarity of character. At Dublin he entered into intimate intercourse with Jones, and succeeded by his representations in detaching that officer from the presbyterians, and uniting him with himself and the parliament.

1647. Brings over Jones to the side of the independents.

Monk then proceeded to his command in Ulster, and was no less fortunate in the beginning in his enterprises in that province. At the time that the duke of Hamilton penetrated into England, Monro engaged to exert himself to give success to the same cause in Ireland. He entered into a plot for seizing the person of Monk; and the officers serving under that commander promised in that case immediately to range themselves under the standard of the Scot[f]. But Monk, young, vigilant, and every way accomplished as a soldier, easily counteracted the designs of the veteran Caledonian. He was fortunate enough, by one well executed manœuvre, to surprise the Scottish garrisons of Carrickfergus, Belfast and Coleraine,

1648. His successes in the field.

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[c] Journals of Commons, July 16. [d] Carte, p. 11.

[e] Gumble, Life of Monk, p. 28.

[f] Skinner, Life of Monk, Chap. III, §. 3. Gumble, ditto, p. 27.

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and, seizing the person of Monro, to send him over prisoner to England[g].

1648. Proceedings of Michael Jones in Leinster.

In the mean while Jones was not less on the alert in Leinster, than his confederate had been in the north. The great disadvantage of these officers lay in the disaffection of their own troops. Jones found it necessary to take the decisive step of seizing the person of sir Maurice Eustace, speaker of the Irish house of commons, and sending him, with several of the most considerable officers of the Leinster army, prisoners to England, before he was at liberty to pursue those measures, which the cause in which he was engaged required of him. There was reason to believe that they would otherwise have debauched the garrison of Dublin, and delivered up the place to Ormond the moment he appeared before it[h]. Inchiquin in the mean time concluded a treaty of cessation with the supreme council at Kilkenny[i]; and to counteract the effects of this proceeding, Jones found himself obliged to form a similar treaty with Owen O'Neile, an officer who had been bred in the Spanish service, who excelled all the other Catholics in the art of war, and who now, with the forces under him, singly adhered to the cause of the nuncio. This truce enabled Jones with considerable effect to advance into the province of Leinster, and annoy the confederates[k].

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[g] Journals of Commons, Sept. 28, Oct. 2.
[h] Carte, p. 36, 39.
[i] Ibid, p. 33, 35, 36.
[k] Ibid, p. 36.

CHAP. VIII.

1648. Late arrival of Ormond.

If Ormond could have made his appearance in Ireland, as he proposed to have done, early in the year 1648, he would have rendered essential service to the cause of Charles the First, and have gone near to unite the whole of that country under the royal standard. At that time rebellion against the parliament had broken out at several places at once in England, and Hamilton was daily expected to advance from the borders of Scotland to aid the resistance. But, if Hamilton came too late, the appearance of Ormond was still more beyond the period at which he was most ardently desired. He encountered a multitude of difficulties, and did not finally land at Cork, from France, where he had been to concert measures with the queen and the prince, till the twenty-ninth of September[1].

Treaty between him and the Catholics.

When Ormond had landed in Ireland, he had still much to do, ere he could take the field with all the advantages to which he had looked forward. He was received by Inchiquin with sincere congratulation and kindness; but the success of his main design was considered by him as turning upon the entire concurrence of the confederate Catholics in all he undertook. He came therefore prepared to make every sacrifice to obtain that concurrence. He hastened from Cork to his paternal seat of Carrick, fourteen miles

[1] Ibid, p. 39.

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1648. from Kilkenny, that he might be near at hand to negociate with the general assembly[m]. From Carrick they invited him to come and take up his abode at the royal castle in Kilkenny[n]. Still the demands of the Catholics were so unreasonable, that the treaty was not finally concluded till the seventeenth of January.

1649. Conditions of the treaty. The treaty included all the articles that had been previously yielded by Glamorgan[o]. It provided for a Catholic army under Catholic commanders, of fifteen thousand foot and two thousand five hundred horse. But what was most unpalatable, it recognised a body of twelve commissioners, with the lords Dillon of Costello and Muskerry at their head, appointed by the general assembly (as a sort of coordinate authority with the lord lieutenant till the meeting of a free parliament), without whose concurrence he could scarcely enter upon any measure, or take a single step[p].

Charles the Second proclaimed. The peace thus made may be considered as the last political act of Charles the First[q]. The news of his death arrived a few weeks later, and Ormond immediately proceeded to proclaim Charles the Second as his successor to the throne of the

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[m] Carte, p. 42. Clarendon, Historical View, p. 95.

[n] Carte, p. 45. Clarendon, p. 96. [o] See Vol. II, p. 111.

[p] See Milton, Prose Works, where the treaty is inserted.

[q] See Vol. II, p. 616.

three kingdoms. He at the same time addressed that prince with earnest importunity, intreating that he would without delay make his repair to Ireland, where he would find three parts in four of the people entirely at his devotion, and the remainder under Jones and O'Neile certain to be reduced by his coming[r].

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[r] Carte, p. 62.

CHAPTER IX.

CROMWEL APPOINTED LORD LIEUTENANT OF IRELAND.—DISAGREEMENT OF THE CATHOLICS AND O'NEILE.—SUCCESSES OF ORMOND.—HE SUSTAINS A DEFEAT.—CROMWEL LANDS.—POLICY ADOPTED BY HIM.—HE REDUCES DROGHEDA AND WEXFORD.—LORD BROGHIL.—SUCCESSES IN ULSTER AND MUNSTER.—KILKENNY TAKEN.—AND CLONMEL.

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1649. Cromwel appointed lord lieutenant.

It was this situation of things that determined the English government immediately to put forth its military strength for the reduction of Ireland. Cromwel was named to command the expedition; and it was ordered that twelve thousand men should be drafted for that service[a]. The preparations were carried on without intermission. It was resolved that Ireton should go as second in command[b]; and, a few days later, that the civil and military command in Ireland should be joined in one person, and that the duration of

[a] See above, p. 63, 64.

[b] Order Book of Council, June 13. Journals, June 15.

the commission should be for three years[c]. The title conferred on Cromwel was that which had been used under the former government, of lord lieutenant general and general governor[d]. On the tenth of July he set out on his journey, himself in a coach drawn by six Flanders mares, whitish-grey, with several other coaches and great officers accompanying him, his life-guard consisting of eighty persons in stately habits, several of them colonels, and the meanest, field-officers or esquires[e].—It was no sooner known that Cromwel was appointed to conduct the campaign in Ireland, than Charles the Second and his council hesitated as to the advisableness of his transporting himself to that country.

Overtures of O'Neile refused by the Catholics.

A fatal measure, which originated in the narrow jealousy of the Irish board of commissioners almost immediately after the conclusion of Ormond's peace, was the refusing the proposals of O'Neile. He offered to cooperate with the Catholic body in all its purposes, provided he was confirmed in the command of six thousand foot with a suitable body of horse. They would allow him only four thousand[f]. He was indignant at the affront thus put upon him, and immediately made overtures to Monk and Jones, which were eagerly accepted. Had it not been for this, it seems probable that

Accepted by Monk and Jones.

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[c] Journals, June 22.

[d] Ibid, June 25.

[e] Cromwelliana, p. 62.

[f] Carte, p. 57.

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Ormond would have mastered the whole of Ireland, before succours could have arrived. As it was, he was not only deprived of the cooperation of the forces of O'Neile; but, beside this, the Scots of Ulster, who would have marched to his aid, were detained in their own province by an enemy, which only the disaffection of O'Neile could have kept alive. This enemy consisted of the garrison and town of Derry in the north under Coote, and those of Belfast, Carrickfergus and Coleraine to the north-west, which had recently been taken by Monk. Monk however, principally through the revolt of those he commanded, together with the enterprise of lord Montgomery and some neighbouring Irish chieftains, was shortly after deprived of these acquisitions[g]. Coote was at the same time blockaded in Derry by the Scots[h].

The Scots reduce Belfast, Carrickfergus and Coleraine: and besiege Derry.

Meanwhile it was with great difficulty that Ormond brought together his anomalous army[i]. His Protestant forces were ill paid, and full of rivalship and jealousy; and the Catholics deficient in all the qualities of a soldier: in addition to which, being under the control of a board whose views and purposes were different from his, he was cramped and restrained in every thing that might best secure the success of the campaign. It was not till the first of June that he took the field with an army of eight thousand

Successes of Ormond.

[g] Carte, p. 67. [h] Ibid, p. 60, 67, 77. [i] Ibid, p. 60.

men near Carlow[k]. But from hence his progress was uniform. He took Kildare: he reduced Drogheda: he captured Dundalk, which Monk was compelled by the disaffection of his soldiers to surrender, and to ship himself for England[l]. The only places that held out for the parliament were Derry and Dublin. Ormond found himself equal to every thing but the reduction of the metropolis. Sir Charles Coote was closely besieged in Derry, and reduced to extremity: but O'Neile, by agreement with Monk and Jones, appeared opportunely for his relief, and dispersed the besiegers[m]. CHAP. IX. 1649.

Meanwhile the preparations for the reduction of Ireland to the obedience of parliament, were carried on in England with unexampled diligence; and on the twenty-fifth of July the advanced guard of Cromwel's army under the command of Reynolds and Venables, landed without impediment in the port of Dublin[n]. Cromwel in the mean time had entered into cordial conjunction with Jones, the governor of that city: and, though Ireton had been named by the parliament a short time before for the second in command, yet, on further consideration, that arrangement had been English forces landed at Dublin.

[k] Carte, p. 71.
[l] Ibid, p. 73, 74. Clarendon, Irish Rebellion, p. 114, 117. Skinner, Life of Monk, Chap. III, §. 3.
[m] Carte, p. 77. Clarendon, Irish Rebellion, p. 118.
[n] Carte, p. 78. Clarendon, p. 119.

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waived, Jones being made lieutenant-general[o], and Ireton major-general of the Irish army. On the second of August Jones made a spirited sally upon the army of Ormond, posted near the capital, the issue of which, owing to the wretched discipline of the royalists, and the gallantry of the adherents of the parliament, was the almost total dispersion of the former, and the retreat of Ormond for the present to the walls of Kilkenny[p].

Ormond sustains a defeat.

State of affairs in Ireland.

Such was the state of Ireland, when Cromwel landed on her shores on the fifteenth of August[q]. In the preceding January, when Ormond signed the peace with the supreme council at Kilkenny, three-fourths of the island acknowledged his authority. He had begun a successful campaign in the present year, in which he reduced Drogheda, Dundalk, Newry, Carlingford and Trim, and had expelled Monk out of Ireland. *Dublin*, the capital, and Derry in the north, held out against him alone. He had invited Charles the Second to commence his career in that country, and to receive the homage of a willing people, who had no desire, like the presbyterians whether in Scotland or England, of narrowing the royal authority with unwelcome limitations. Ireland had been in a state of independence of the neigh-

[o] Jones has the style of lieutenant-general, Journals, July 9.

[p] Whitlocke, Aug. 11. Clarendon, Irish Rebellion, p. 123 to 128. Carte, p. 79 to 81.

[q] Carte, p. 83. Whitlocke, Aug. 21.

bour-island for now nearly eight years, and, as one man, looked towards the assertion of English ascendancy in the functionaries of the present English parliament, with unmingled and indescribable horror.

Military character of the Irish.

Cromwel may be supposed, from the hour that he accepted the office of commander in chief in Ireland, to have meditated profoundly in what manner his undertaking might be rendered most prosperous and effective. It was the first external enterprise of the new commonwealth; and it was of the highest importance to the stability of its government, and to the weight and respectability she should possess among foreign states, that it should be conducted with equal skill and success. Cromwel clearly saw the character of the enemy with whom he would have to encounter, an authority which in name extended over the whole island, but compounded of the most discordant and irreconcileable materials. The English and Scots were almost every where fierce and inexorable presbyterians; the Irish were bigoted, ignorant, and blood-thirsty Catholics. The English, and still more the Scots, could boast of a certain degree of discipline; the Irish were a race unbroken and savage, who had scarcely in any instance been brought resolutely to encounter an enemy in the field, but who had for the most part carried every thing before them, by dint of superior numbers, and from the circumstance that

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1649. Policy of Cromwel.

they were the sole and undisputed possessors of the soil.

Reasoning from these premises, Cromwel was induced to appear under a new aspect in the Irish war. There is scarcely a military commander on record, who was endowed with a more kindly and liberal disposition; and he had passed through the various scenes of the English civil war without almost the shadow of a reproach in this respect. But he deemed that he had a different part to play in the scene he now approached. He brought with him a name that almost instantly extinguished the hopes of his enemies. It was no sooner known that Cromwel was selected for the Irish war, than Charles the Second resolutely declined setting his foot in that country. Cromwel saw of how much consequence it was, that his name should lose nothing of the magical authority that attended it. He saw, or thought he saw, that it was in his power to finish the war almost at a blow. But this could only be by convincing the rabble of Catholic military that he was not to be trifled with; in other words, it could only be by exhibiting some examples of an appalling severity. He believed that a certain cruelty in such a case was real humanity. His purpose was, in the course of the few months of the present campaign that were still before him, to lay all Ireland at the feet of the parliament. In that case how much would the evils of a few instances of early severity

be compensated, by the cutting off long years of obstinate resistance, such as the Irish had already sufficiently shewn they were prepared to exhibit!

Horrors excited by the Irish Catholics.

The historians of the times have added to these motives for the inexorable proceedings of Cromwel, the consideration of the just retaliation that was due to the Irish for the barbarities of which they had been guilty in the commencement of their rebellion, instances of which had frequently occurred in the course of their subsequent resistance. They also supposed that he was animated by a horror of the popish spirit as it had shewn itself in the reign of the bloody Mary and in the Gunpowder Treason, and of popish idolatry, so opposite to the precepts of the Old and New Testament. How far he was influenced by these less manly and enlightened considerations it is perhaps impossible for us to pronounce.

Storm of Drogheda.

Cromwel with the least practicable delay led out an army of ten thousand men to the siege of Drogheda[r]. Ormond was incapable for the present moment of taking the field; but he put this place, which was the most exposed of his frontier, into as good a state of repair as the time would permit, and furnished it with a garrison of two or three thousand of his best troops[s]. He ap-

[r] Cox, History of Ireland, Part II, p. 8.

[s] Clarendon, Historical View, p. 129, 130.

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prehended that this would at least prove a sufficient obstacle to detain the army of the parliament, till he should once more have drawn together his forces, and been able to take the field. But he was mistaken in his calculation. Cromwel, having completed his batteries, sent in a summons to the governor, which was rejected. The next day he effected a breach, and set about taking the place by storm. This was on the tenth of September. Twice Cromwel's forces mounted the breach, and twice they were repelled. Observing this, he led himself the third assault, and was victorious. The enemy had thrown up three retrenchments within the walls. They defended every inch of ground, and fought bravely and desperately at the corner of every street. The orders of Cromwel were to give no quarter; and by his own confession he says he believes the whole number of the defenders were put to the sword. Sir Arthur Aston, the governor, was among the slain. A subsequent letter states, that, of one hundred and forty who retreated to a tower, and refused to surrender when summoned, the officers were knocked on the head, every tenth man of the privates killed, and the rest ordered to be shipped for Barbadoes. Cromwel adds, that the enemy was filled with much terror at this issue, and that he was persuaded the bitterness that was used on the present occasion, would hereafter prevent much effusion of

blood[t]. He subjoins, These are the satisfactory grounds to such actions, which otherwise cannot but work remorse and regret[u].—Trim and Dundalk were immediately deserted by their respective garrisons.

Arguments in behalf of severity.

Cromwel in this instance made his election between two tremendous evils; and it is the province of history and the readers of history to decide upon the praise or blame to which he is entitled. On the one hand he had before him the spectacle of eight long years of anarchy. The two parties were exasperated against each other to the utmost degree; and the Catholics would never submit to the English republicans, as long as they were able, or as long as they dared, to resist. Their reign had been marked with

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[t] Whitlocke, Sept. 29, Oct. 1, 2. Clarendon, Historical View, p. 131. Perfect Politician, p. 54, 55. Clarendon adds, History of the Rebellion, Vol. III, p. 341, "The whole army being entered the town, they executed all manner of cruelty, and put all the citizens who were Irish, man, woman, and child to the sword:" in which he is not only contradicted by all the other authorities, but stands in opposition to his own statement in his Historical View, written under the eye of the marquis of Ormond.

[u] Parliamentary History, Vol. XIX, p. 201 to 207. I refer to this book for Cromwel's dispatches, which are there inserted. Rushworth's Collections end with the death of the king. The Journals of the Lords, in which such dispatches are usually inserted, close at the same time. They are not given in the Journals of the Commons. We are therefore reduced to refer to publications of little character, into which they happen to be copied.

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calamities and atrocities[x]. Nor was the question only of tranquillity and the triumph of true religion in Ireland; the new commonwealth of England could never be in security or in honour, as long as the neighbouring island remained a theatre for the intrigues and hostilities of those by whom it was opposed. It must perhaps be granted that Cromwel's position was true, and that the policy he adopted was best calculated to prevent a protracted war and a boundless effusion of blood. But then on the other hand an impartial inquisition requires, that we should set before us the spectacle of the gallant defenders of a place of war, as in this instance, murdered, or coolly picked out for murder, after they had thrown down their arms, and submitted to the mercy of the conqueror. Nothing can be more obvious, than the horror and violent revulsion of the human heart at the contemplation of such a scene. But the true question is, as to the mode in which the greatest good shall be effected. Such sanguinary severities cannot produce a right tone of mind in those who survive. In those who perpetrate them, or by whom they are approved, they engender a certain hardness of heart, and gloomy aversion of man from man, dispositions neither

Rejoinder to these arguments.

Sentiments which severity engenders.

[x] Even when Cromwel was before Drogheda, the Catholics turned their Protestant allies out of the great church, of which they had previously possession, and set up the mass there. Whitlocke, Oct. 2.

consonant to morality nor true religion. In those whom they are designed to terrify, and so reduce to submission, they give birth to the feelings of a slave. Obedience may be the result; certainly not kindly feelings and mutual reconciliation. In fine, it must be admitted, that Cromwel shewed on the present occasion, that, however urbane and benevolent might be his general dispositions, he was capable of stringing himself to, and going through with, acts of cruelty and horror.

Dispositions of Cromwel.

To the severity which Cromwel used towards those who resisted him in arms, he added a proclamation, forbidding his soldiers under pain of death to do any injury to the inhabitants, or to take any thing from them but what they paid for; and declaring every one free to exercise his religion without molestation[y].

Proclamation issued by him.

Cromwel now advanced towards the south, and obtained unresisted possession of Arklow, Fernes and Inniscorthy. Even the people of Wexford were disposed to throw open their gates to receive him[z]. Ormond however with difficulty prevailed on them to receive a small garrison, all Catholics, they refusing to admit any other. But, when Cromwel came before the town, and

Reduction of Wexford.

[y] Carte, p. 90. This however is elsewhere explained by Cromwel not to include the celebration of mass. It therefore means no more than that Catholics shall not be called upon by force to recant their religion.

[z] Ibid.

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had sent in his summons which was rejected, the governor of the castle, at a small distance from the place, but so situated as to command it, entered into terms with, and admitted the besiegers. With this advantage, the lord lieutenant caused his soldiers to scale the walls, which they did without resistance, though, when they reached the market-place, the defenders made a last and desperate resistance. The same scene of blood took place, as before at Drogheda. Wexford was reduced on the eleventh of October[a]. Cromwel reckons, that there were lost of the enemy not many less than two thousand, while of the besiegers not twenty were killed; and adds, This is not without cause deeply set to our hearts, we having intended better to this place than so great a ruin[b].

Ross surrenders.

From Wexford the lord lieutenant marched against Ross; and, though Ormond and Inchiquin had reinforced its garrison, which already consisted of one thousand men, with fifteen hundred more, yet lord Taaffe, the governor, thought proper to surrender the place on the third day after Cromwel came before it, October the nineteenth, on condition of the garrison being allowed to march away, with their arms, baggage, drums and colours[c].

Death of O'Neile.

On the tenth of August the English parliament

[a] Journals, Oct. 30. Carte, p. 93. Perfect Politician, p. 57.

[b] Cromwelliana, p. 55.

[c] Ibid, p. 67, 68, 69.

voted to annul the cessation which had been concluded between Monk and O'Neile[d]; and Ormond, who had always disapproved of the narrow and jealous policy of the supreme council of Kilkenny towards this able commander, seized the opportunity of bringing about a reconciliation between the contending parties. But this measure was by no means productive of the favourable effects expected from it. O'Neile dying of a painful illness under which he laboured, on the sixth of November[e]. 1649.

Success in Ulster.

But Cromwel's successes were not confined to the scenes in which he was personally concerned. He dispatched Venables with three regiments, to cooperate with sir Charles Coote in the reduction of Ulster. This officer successively reduced Newry, Dromore, Lisburne and Belfast[f], and was constituted for his services governor of Ulster[g]. This expedition was completed in the month of September.

Lord Broghil.

Cromwel also met with an able cooperator in the province of Munster. This was lord Broghil, who had deserted from the king to the parliament with lord Inchiquin in 1644[h], and again with that nobleman returned to his loyalty in 1647[i]. He however, as well as Inchiquin, for some time prosecuted his views in a secret manner, and

[d] Journals.
[e] Carte, p. 83.
[f] Ibid, p. 88, 90.
[g] Whitlocke, Oct. 5.
[h] See Vol. II, p. 103.
[i] See above, p. 129.

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thought to escape observation. He professed to desire nothing more than to retire into privacy. His real purpose was to render Charles all the service he could in the Irish war; and with that intention he determined to pass over to Holland, to obtain from the king a proper commission, and to concert with him and his counsellors the best measures for all parties to pursue. With this view he came to London from his seat in Somersetshire where he had lately resided, and, having obtained a passport was on the point of setting off for the sea-coast. He had scarcely however alighted at his sister's house, the countess of Ranelagh, having come in the dusk of the evening, when a messenger arrived to inform him that Cromwel would wait upon him, being desirous to see him. Broghil replied that there must be some mistake, as he had not the honour of Cromwel's acquaintance. That officer however arrived immediately after, and, having first expressed the kindness and respect he entertained for this nobleman, proceeded to inform him that his designs were perfectly known, and that, instead of proceeding to Spa for his health as his passport purported, he was going immediately to Charles Stuart for purposes hostile to the government. Broghil protested that he was wholly incapable of any such design, and begged the general not to believe it. Cromwel upon this assured him that he had good proof for what he said, and that

His conference with Cromwel.

he could shew him his own letters to the purpose, adding that they had already been examined by the council of state, who had made an order for his being committed to the Tower, but that he, Cromwel, had obtained a delay in executing the order, till he should previously have conferred with the writer. Broghil, finding that he was discovered, begged the general's pardon, thanked him for his kindness, and requested his advice what he was to do. Cromwel answered, that he had obtained permission from the council to offer him a command in the Irish war, that he should have the authority of a general officer, that no oaths should be imposed upon him, and that he should only be required to serve against the Irish Catholics. Broghil felt reluctance to the proposal, and accordingly desired some time to consider of the offer. But Cromwel rejoined that no time could be allowed, as, the moment he left Broghil with the offer unaccepted, he would instantly be constituted a state-prisoner. From this hour Cromwel and Broghil were cordial friends[k].

Surrender of Cork and other garrisons.

Broghil landed at Wexford in the latter end of October, and immediately rendered the lord lieutenant the most important services. Aided partly by his authority and character in that portion of Ireland, and partly by the terror Cromwel had

[k] Morrice, Life of Orrery, prefixed to the Orrery State Letters. Love, Life of Orrery, *apud* Collins, Peerage, art. Boyle. Carte, p. 102.

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inspired by his severities, together with the assurances of safety and security he tendered, he in the course of two or three weeks prevailed on Cork, Youghal, Bandon Bridge, and Kinsale, to open their gates to the conqueror[l].

Waterford defends itself.

Encouraged by the uninterrupted train of his successes, Cromwel sat down before Waterford on the twenty-fourth of November, but on the eighth day found himself obliged to break up the siege. He was more successful at Dungarvan; but at this place he had the misfortune to lose Michael Jones by sickness. The manner in which Cromwel expresses himself on this occasion is worthy to be recorded. "The noble lieutenant-general, whose finger, to our knowledge, never ached in all these expeditions, fell sick, upon a cold taken in our late wet march, and ill accommodation, and went to Dungarvan, where, struggling some four or five days with a fever, he died, having run his course with so much honour, courage and fidelity, as his actions better speak, than my pen. What England lost hereby is above me to speak; I am sure I lost a noble friend and companion in labours. You see how God mingles out the cup to us[m]."

Dungarvan taken.

Death of Jones.

Dissentions of the Protestant royalists and the Catholics.

One of the consequences of the uninterrupted

[l] Carte, p. 102.

[m] Cromwelliana, p. 74. Cromwel's dispatches during this campaign are admirable, and, bating a few fanatical expressions, may be regarded as models in this species of composition.

successes of Cromwel, was the divisions to which it gave birth among the foe. The compromise produced by Ormond's peace, was of ill-assorted materials, ready to fall to pieces under the first discouragement. The union was of the Irish Catholics, whose aim had always been to gain the undivided sway of their country, and of that body of Protestants, against whom the rage of the Catholics had been directed in 1641, and who had been ever since, amidst unmitigated hostilities, endeavouring to preserve their precarious hold of a few strong points in the country. The terror of the commonwealth and of Cromwel had first united them; the perception of their inefficient efforts to resist him, divided them. The parties against him were, first, the adherents of the supreme council and the nuncio, and, secondly, the followers of Ormond, of whom these had always been jealous, and against whom they had taken refuge in Antrim and Glamorgan. The followers of Ormond, it was observed, episcopalians or presbyterians, had fought gallantly, as long as the enemy with whom they had to contend were the Catholics, the authors of the revolt of 1641, a party they regarded with unmingled horror. But, when they came to fight in the same rank with the Catholic, and against the armies and the government of England, the case was widely different. They were now almost as easily overcome, as the Irish had been overcome by them

Aversion of the former to the latter.

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Jealousies entertained by the Catholics.

before; and the Catholic leaders and soldiers, observing this, were desirous of getting rid of such allies. They were little inclined to sacrifice their prejudices, to a party that rendered them no service, but at the same time was as well inclined as ever to trample upon and destroy them, if ever the opportunity should arrive. With the greatest unwillingness did they admit any of Ormond's Protestant followers to garrison their towns, even at the moment when they were most in danger from the army of Cromwel. And they cherished the idea, that, as they had for the last seven or eight years held uncontroled possession of nearly the whole island, so they had only to get rid of the shackles of a Protestant lord lieutenant and his royalist forces, to be equally successful against the new invader. Thus, at the very time that Cromwel, by the magnitude and discipline of his army, and by his own policy and military talents, was bearing them down with a weight which it was almost impossible for them to resist, the enemy was undermining his own strength with the most fatal jealousies and contentions[n].

1650. Further successes of Cromwel.

Cromwel allowed his troops scarcely two months' repose to recruit themselves in winter-quarters, and on the twenty-ninth of January led them again into the field. He had himself wintered at Youghal, and from thence marched to Fethard,

[n] Ludlow, p. 310. Carte, *passim*.

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which surrendered to him. He detached at the same time lord Broghil against a castle over the mountains in the county of Limerick, which having refused his first summons, and afterwards opened its gates, that nobleman gave the privates quarter, but ordered the officers, being six in number, to be shot. Cromwel then marched against Callen, a borough-town, situated on a river of that name, whose chief defence was three castles. Two of them were stormed, and the defenders, an hundred, or an hundred and twenty men in each, put to the sword, and the other surrendered on conditions[o]. His next expedition was against Gowran, which refused his summons, but beat a parley, when a breach was made. Cromwel under these circumstances made his conditions, that the soldiers should have their lives, and the officers surrender at discretion. These conditions they were compelled to accept, and the latter were sacrificed[p].

Reduction of Kilkenny:

Cromwel's next enterprise was against Kilkenny, which had for years been the metropolitan seat of the Catholic government. But this place cost no more trouble than the rest, and surrendered to him on the twenty-eighth of March[q].

of Clonmel.

The last undertaking of the lord lieutenant was the reduction of Clonmel, the defence of which

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[o] Cromwelliana, p. 75, 76. Whitlocke, Feb. 25.

[p] Cromwelliana, p. 79. [q] Ibid.

BOOK III. 1650.

was conducted by Hugh, the son of Owen O'Neile, and was infinitely more gallant and obstinate than any thing Cromwel had experienced in any other town of Ireland. Great endeavours were made for the relief of the place: Ormond, Castlehaven, and the Irish leaders summoned the neighbouring country, with a view to reinforce the garrison. But colonel Reynolds and sir Theophilus Jones, brother to the late lieutenant-general, were marched from Dublin, with a stout body of two or three thousand horse and foot, to counteract this measure, and accordingly it came to nothing[r]. At the same time lord Roche and the Catholic bishop of Ross advanced on another side, and were encountered by Broghil, who defeated them. In this encounter he killed about seven hundred of the enemy, and made twenty of their officers prisoners. Among the latter was the bishop, who, being reported to have been particularly sanguinary in his counsels against the English, was, by Broghil's orders, conducted to the foot of the walls of a neighbouring castle, garrisoned with his own followers, and there hanged, the English commander intimating to them that, if they did not immediately surrender, they must expect the same treatment. This menace produced the desired effect[s].

[r] Carte, p. 115. Perfect Politician, p. 68.

[s] Ibid. Whitlocke, May 25.

The defenders of Clonmel were all of them Catholics from the province of Ulster, who had been for years under the discipline of Owen O'Neile, the only accomplished military character that had appeared in their cause. In consequence the resistance was most determined. Cromwel, who was called for to return immediately to England, could not afford the time to reduce the place by famine. He therefore resolved to storm the place. Having effected a breach on the ninth of May, his soldiers entered the town, but were so warmly received that they were once driven out again. An eminent commander, who assisted in the action, reported: "We found in Clonmel the stoutest enemy that our army has encountered in Ireland; and it is my opinion, and that of many more, that no storm of so long continuance, and so gallantly contended, has been seen in these wars, either in England or Ireland."

Night coming on, the action ceased, and the town beat to a parley. Cromwel, glad to get possession of the place, easily agreed to honourable terms. It was not till after signing the conditions, that he discovered that Hugh O'Neile and the garrison had secretly withdrawn from the place, as soon as the battle was over, and before the parley commenced[t].

[t] Cromwelliana, p. 81. Whitlocke, May 28. Ludlow, p. 307, 308. Perfect Politician, p. 70, 71.

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1650.

Irish Catholics enlist in the service of foreign powers.

One of the modes of policy by which Cromwel eminently contributed to the tranquillising Ireland, was the permission he granted to the Catholics who had been engaged in the rebellion, to enlist in foreign service. Both France and Spain shewed themselves greatly disposed to recruit their armies from this source; and the officers who had been engaged on the unfortunate side in the English civil wars, were too happy to be employed in raising regiments for this purpose. It is computed that twenty-five thousand men were thus transported to the coast of Spain, the Irish Catholics being eagerly disposed for the service of that crown; while twenty thousand were engaged to recruit the forces of France[u].

Ireton lord president of Munster:

Cooke chief justice.

Munster was no sooner reduced by the instrumentality of lord Broghil and other eminent persons whose estates lay in that country, than Ireton was appointed by parliament lord president of the province[v]. At the same time Cooke, who had officiated as solicitor for the commonwealth on the trial of the king, was made by Cromwel chief justice of Munster[w].

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[u] Clarendon, Vol. III, p. 361, 362. [v] Journals, Dec. 4, 1649.

[w] Ludlow, p. 311. See also, title-page to Monarchy no Creature of Gods Making, published by Cooke in 1652.

CHAPTER X.

LILBURNE.—HIS PUBLICATIONS.—HE TAMPERS WITH THE SOLDIERY.—MUTINY AT OXFORD.—LILBURNE OFFERS TO WITHDRAW TO AMERICA.—HIS TRIAL.

1649. Determined spirit of Lilburne.

WE have already related the political conduct of Lilburne, and the events connected with it in the early part of the year 1649. He had been liberated from confinement on the eighteenth of July; and from that time the government would no doubt have been well contented to have left him unnoticed and unmolested, if he had been willing to adopt an inoffensive conduct. But such were not the purposes of their adversary. His spirit was unsubdued by the hardships he had experienced. On the contrary, as, after having seriously consulted in what manner he should be proceeded against, they suffered the affair to die away in silence, he was but the more incited to intrigue against a government which allowed itself to be insulted with impunity. They resolved to defend themselves against the future assaults of Lilburne and persons of a similar character, by a new law of treasons enacted in May,

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and reenacted with a few variations on the seventeenth of July, the day previous to his liberation. But this audacious and intrepid sower of sedition seems to have made no account of their statute. He saw in it a new feature, avoided in the act of treasons of Edward the Third, bare words being made treason on the present occasion: and he seems to have relied on the disreputableness of this innovation, and on the effects of his own popularity, intrepidity and eloquence, to preserve him from the consequences, if he should be prosecuted under this law.

He meditates further aggressions.

In what had passed he saw every thing to encourage him. The insurrection was put down; but he, its author, was unshorn of any of his means to create confusion and contest. He determined therefore again to take the field, and to overturn the system now established, or to perish in the attempt. He built upon the fulness of his powers. He saw an usurping government, unsupported, nay, in secret condemned, by the nation they undertook to rule. Every thing in this case depended on the silent lapse of months and of years. An usurping government in time becomes a legitimate one. But the present men were newly seated at the helm. They had not opinion in their favour; they were generally looked upon as upstarts, and with dislike; and they had nothing to support them but their character for sagacity and talent, and the devotedness of a small band

of men, who confided in their integrity, and sympathised with them in their fervent passion for political liberty, religious toleration, and a frame of mind favourable to the growth of national independence and virtue.

Style in which he attacks the government.

Unawed and exasperated by the situation in which he stood, a prisoner in the Tower, committed on suspicion of treason, he published on the eighth of June a political discourse of seventy-five crowded pages, entitled The Legal Fundamental Liberties of the People of England Revived, Asserted and Vindicated. In this piece he says, "The remainder of the few knights, citizens and burgesses, that colonel Pride thought convenient to leave, as most fit for his and his masters designs to destroy the good old laws, liberties and customs of England, and by force of arms to rob the people of their lives, estates and properties, cannot properly be called the nations or peoples parliament, but the parliament of Pride and his associates." And again: "By purging parliament, and suffering none to sit, but for the major part a company of absolute schoolboys, who, like good boys, will say their lessons after their lords and masters, and so be a screen, with the name of a parliament, and the shadow of authority, to pick the peoples pockets, they have placed themselves in parallel to none but a company of murderers, thieves and robbers, who may justly be dispossessed by the first force that is able to

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do it." Further on, he styles them "a company of bloody and inhuman butchers." And towards the close he addresses the men whom he considered as at the head of the government, "Oh, Cromwel, Fairfax, Ireton, Haselrig, I will answer you, as Shadrach, Meshach and Abednego of old answered your brother-tyrant, Nebuchadnezzar."

His challenge.

Finding no change produced in his situation by this effort, towards the close of the month he tried the effect of a letter to Cornelius Holland, one of the members of the council of state, containing a proposal which we should now consider as ludicrous. "Let the house of commons," he says, "chuse two men, and let me chuse other two, and let these four, if they cannot agree, fix on a fifth. Let the debate be public, and let me have free leave to speak for myself: and, if my innocency be not thus established, I will forfeit and lose all I have, and my life to boot." He adds, "If this proposition is not accepted within the next five days, I shall hold myself free to do what I can in anatomising what I know publicly or privately of you and your associates[a]." This letter obtained no notice.

Obtains his liberation.

On the seventeenth of July Lilburne addressed a letter to lord Grey of Groby, Henry Marten, and two other members of parliament, stating that his son had died of the small-pox the day before, and

[a] Impeachment of Cromwel and Ireton, p. 5, 6.

that his wife and two other children were ill, and expressing his desire under this circumstance that he might be allowed a few days' liberty to visit them[b]. The next day Henry Marten moved the house of commons that he should be liberated accordingly on security, which was granted[c].

Publishes his impeachment of Cromwel and Ireton.

This indulgence seems for a short time to have interrupted the hostilities of the disturber. But early in August he appeared again from the press with a publication which he entitled an Impeachment of High Treason against Cromwel and Ireton. The body of this tract purports to be the copy of a speech delivered by Lilburne at the bar of the house of commons on the nineteenth of January 1648, when he had been summoned to give an account of a tumultuous meeting to which he had been a party[d]. In the course of this speech he has interwoven a charge against Cromwel, on the old story of his having been won over by the king with the offer of being made earl of Essex and knight of the garter[e]. For this story Lilburne quotes at second hand a lady of quality, doubtless lady Carlisle[e]. He adds, "Cromwel and Ireton's present animosity against the king (this speech was delivered about a fortnight after the vote of non-addresses) is merely because he

[b] Preparative to Hue and Cry, p. 38. [c] Journals.

[d] Rushworth, p. 969, says, he made a large, if not a tedious answer to the information against him.

[e] See Vol. II, p. 400.

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has forsaken them, and accepted a better bargain from the Scots." He proceeds, "After this gross apostasy of Cromwel, whoever means to settle good laws, must act with a sinister or evil opinion of all mankind. Though Cromwel may now seem to face about, and intend just and righteous things, yet after these intrigues what rational man can place reliance upon him, that he will effect any real good?"—Cromwel and Ireton were, at the time of this publication, earnestly engaged in the Irish campaign.

Outcry of Young Men and Apprentices.

But these assaults from the press were by no means calculated to satiate the animosity of his determined spirit. He considered his main resource as lying in the sympathy and concord which had existed between him and certain members of the army. He was fully aware of the popularity that attended him, of the speciousness of the topics he employed, and of the qualifications of intrepidity and eloquence with which he was endowed. Finding therefore his tract of the Impeachment of Cromwel and Ireton productive of no immediate effect, he brought out another towards the close of the month, entitled An Outcry of the Young Men and Apprentices of London, addressed to the Private Soldiers of the Army, more especially of the General's Regiment of Horse, that helped to plunder and destroy the Honest and True-hearted Englishmen, traitorously defeated at Burford. This tract has the signature

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of ten apprentices, and addresses the soldiers in the following manner: "Do you own the abominable and treacherous dealings of your general and lieutenant-general? Do you approve the total defection of the army under which it now lies? Will you hold up your swords to maintain the total abolition of the people's choicest interest, frequent and successive parliaments?" The remonstrants go on: "We will never by popular petitions address ourselves to the men sitting at Westminster any more, or take notice of them but as so many tyrants and usurpers, and will endeavour to hinder all others from doing so." Finally, they urge the soldiers, "as a pledge of their future correspondence and sympathy, to chuse from among themselves two of the ablest, most constant and faithful men in each troop and company," to proceed in the way of a council of agitators, after the model of that in 1647.

Tampers with the soldiery.

The beginning of September seems to be the period which was fixed on by Lilburne and his fellow conspirators, for their grand effort to overturn the existing government. On the sixth we find him busied in distributing copies of the Outcry among the soldiers of Fairfax's regiment of horse[f]. The government, aware of his dangerous qualities, had tried all expedients beforehand, to mitigate his hostility. They had enlarged him

[f] Evidence of Tooke, Lewis and Skinner, on Lilburne's Trial.

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upon security. They gave Walwyn, Prince and Overton the liberty of the Tower[g]. Several members of the house and of the army had a meeting with some of those called Levellers, to confer together, and endeavour to effect a right understanding[h].

Mutiny at Oxford.

But these attempts were wholly abortive. The more the government appeared to stand in awe of the conspirators, the more these latter were confirmed and encouraged in their undertakings. The measures of conciliation last mentioned, seem likewise to have had the defect of coming too late. Letters, dated on the sixth, relative to a disturbance in the garrison of Oxford, were read a few days after in the house of commons[i]. The regiment of Ingoldsby, governor of Oxford, appears from these letters, to have risen in mutiny, to have imprisoned their officers, to have set guards, and fortified New College. They chose agitators from the ranks agreeably to the recommendation of Lilburne, and voted certain demands, requiring from the parliament that the present representative should be dissolved, and a new one forthwith summoned. The time however for a serious interruption of the public tranquillity from this source was gone by. The admirable conduct of Fairfax and Cromwel in the May of the present year appears to have won the hearts of the sol-

[g] Journals, Sept. 7. [h] Whitlocke, Sept. 7. [i] Journals, Sept. 11.

diers in general. The officers, though under arrest, found means to enter into discourse with the men who guarded them, and presently discovered that they were not all of one mind on the subject of the mutiny. Without delay therefore, they forced their way through the guard, and came to the governor. After a brief consultation, it was resolved to try the authority of the officers with the garrison, company after company, and it was submitted to. One of the agitators only, on horseback, killed a soldier who endeavoured to stop him, and then the whole of these ephemeral magistrates were made prisoners. New College surrendered; and the entire garrison immediately expressed their satisfaction at being emancipated from the influence of those who had temporarily seduced them[k].

Understanding between the Levellers and the royalists.

It is stated in the Order Book of Council, September the tenth, that letters were intercepted, shewing the joining of the Levellers with the king's party. And this is in some degree confirmed by a passage in the Outcry of the Apprentices, where Lilburne says, addressing the private soldiers of the army[l], "You did not engage in the least with any thoughts of destroying, but of regulating, kingship."

Want of judgment shewn by the government.

It is in vain however to deny that the government shewed a want of its usual sagacity on this occasion. There is some absence of firmness and character in the attempt on the part of the rulers to

[k] Whitlocke, Sept. 8, 11.

[l] p. 4.

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open a negociation with the Levellers. And their intelligence was plainly defective, since the day on which it appears to have taken place, was one day later than the date of the letters giving an account of the mutiny at Oxford.

Prosecution of Lilburne renewed.

The period of mercy and negociation towards Lilburne and his coadjutors was now over; and, the same day that the mutiny at Oxford was reported in parliament, the Outcry of the Apprentices was read in the house, and an order was made that the commissioners of the seal should forthwith issue a commission of *oyer and terminer*, for the trial of such persons as were concerned in that publication, and others who might be charged with the offences described in the late act of treasons[m]. Three days after, Lilburne was conducted by the lieutenant of the Tower to the chambers of Prideaux, the attorney-general, in the Temple, for a private examination, of which Lilburne published an account[n]. On the nineteenth an order of council was made for his close imprisonment[o].

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[m] Journals, Sept. 11.

[n] Entitled, Strength out of Weakness.

[o] Order Book. The information that is to be gained from the Order Book of Council is not exactly such as might previously have been expected. Directions are recorded to have been given, that, "Certain books, now ready to come forth, should be sought for in a certain place." Order Book, Aug. 20, Sept. 18. The expression implies that the titles of the books were specified: but at all events we may be sure, that the authority on which the search was to be made, named the "certain place" where the books were expected to be found.

The court appointed for his trial consisted of Keble, one of the commissioners of the great seal, eight puisné judges, the lord mayor, the recorder, the common serjeant, nine aldermen, and twenty other persons [p].

Offers to withdraw to America.

Seeing all these preparations, Lilburne at length became strongly impressed with the persuasion that the government would be satisfied with nothing less than his conviction and capital punishment. In a paper therefore, entitled the Innocent Mans Second Proffer, dated the twenty-second of October, he offers, having first received the arrears due to him from the vote of compensation for his sufferings in the star-chamber, which were detained from him during his imprisonment by sir Arthur Haselrig and others, and being allowed the society of those who were willing to accompany him, to transport himself to some part of America or the West Indies, and thus free the government from the fear of any further molestation from him.—Of this offer no notice was taken.

His trial.

Three days after this date, he was brought before the court for his trial. The trial was a memorable one. It lasted two days, and terminated with a verdict of acquittal. There were many circumstances that contributed to this. No language could be more seditious and contumelious

He is acquitted.

Reasons of this.

1. His indictment was partly founded on the intemperance of his writings.

[p] See the Trial.

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than that of many passages which were produced from Lilburne's publications. And such language, by the new laws of May and July last, was treason. But it was in vain that such laws were promulgated. The deep-rooted prejudices of the people of England taught them that mere contumely and scurrility, however offensively expressed, could never constitute a crime for which a man should forfeit his life. Lilburne indeed had done that abundantly, which directly tended to raise up the soldiery in disobedience to the civil and military authorities of their country; and this both by the old and the new law was treason. But in the indictment and the prosecution the two offences were mingled; and the insufficiency of the first operated to take out the sting of the last.

2. He was unfairly treated by his judges.

Add to which, he was unfairly treated by his judges. He stood constantly and inflexibly on the point, that he ought to be allowed counsel to plead in his behalf. He urged in support of his demand: "I know very well, and I read in your own law-books such a prerogative, as that in cases of treason no counsel shall plead against the king; but this was but a usurped prerogative of the late king; and it has been pretended, with all other arbitrary prerogatives and unjust usurpations, to have been taken away with him: otherwise the name only and the title of king are taken away, and the power and hurtful tyranny remain." This demand was refused. He was also refused

a copy of his indictment, and time to summon witnesses. The indictment was first read to him on the day on which the jury was impanneled, and the court went on to the conclusion with no further delay.

3. He displayed an incomparable courage, and subtlety.

But that which operated most in his favour was the incomparable courage with which he met the accusation. His presence of mind never deserted him for a moment. He seized on all points with the most wonderful skill and subtlety. He was temperate and intemperate at once; never comporting himself with insolence, and yet uttering from time to time things of the utmost severity and contempt. He put both judges and counsel perpetually in the wrong. He defended himself with an air of solemnity, integrity and self-sacrifice, that wholly overawed his jury. He was abundant in religious appeal, and employed a style of conscious innocence and usefulness that has never been exceeded. Above all this perhaps we are to place the astonishing acuteness and logic that pervaded every thing he said.

4. The court that tried him was too numerous; and contained too many persons of high station.

Lilburne was treated by the court that tried him in the most unjust and overbearing manner. But when was it otherwise? What are courts of justice? and what are trials for treason? where the well paid and the luxurious sit in judgment upon a helpless and unfortunate individual, against whom the entire government of the country is the prosecuting party. It was not judicious to make

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one of the keepers of the seal, with eight members of the bench of justice, and thirty-two other eminent persons, the court to try him. It looked too much as if they had determined to destroy him.

Character of his jury.

Never in any other country than England could such a trial have occurred, with such a termination. He must be little of an Englishman who does not feel himself elevated with the scene. The men who decided the fate of Lilburne, were not men determined to acquit him at all events. They were desirous to do justice, and to discharge their consciences. They decided agreeably to the best judgment they possessed. They knew the extent of the issue that was confided to them; and they had the courage to do what they believed it became them to do.

Reflections.

It is curious to consider the termination of such a scene. Did it do harm? *No*; but much good. The government could not well have excused themselves from the prosecution. But they conducted it ill. If they had done otherwise, Lilburne would probably have forfeited his life. So much the worse. Blood should not unnecessarily be spilled. The lesson this scene taught to its contemporaries was not a lesson of riot, insolence and confusion. On the contrary, Englishmen learned to be proud of themselves and their country, and to consider how they should proceed in a manner worthy of the advantages they possessed.

He is liberated.

Lilburne was liberated from his confinement

on the eighth of November. He was a most formidable adversary to the government; but he was scarcely less so (his publications going on uninterruptedly) in prison, than at large. And the council was of too magnanimous a temper, to be able to resolve to retain a man in custody, who had been tried, and acquitted by a jury [q].

[q] There is a strange and unaccountable gap in Whitlocke's Memorials in the latter end of October, the period of Lilburne's trial. There is a similar gap in the month of November. Echard relates (*anno* 1675) that, at the time of the Restoration, Whitlocke's wife burned many of his papers, by that means rendering his Memorials less perfect than they would otherwise have been. His work is further said (Oldmixon: Clarendon and Whitlocke Compared) to have been garbled by the earl of Anglesey, by whom it was sent to the press. It would have been desirable to have seen the observations of the annalist on this extraordinary event. Whitlocke is by no means a profound man; and his remarks on some of the most considerable affairs, are often in a style of mere common-place garrulity. But he was an eminent lawyer, a member of the council, and greatly implicated in the politics of the times.

SECOND YEAR OF THE COMMONWEALTH.

COUNCIL OF STATE,

Installed February the Eighteenth, 1650[a].

William Earl of Salisbury.
Basil Earl of Denbigh.
Philip Viscount Lisle.
Thomas Lord Grey of Groby.
Bulstrode Whitlocke, } Keepers of
John Lisle, } the Seal.
Henry Rolle, Chief Justice.
Oliver St. John, Chief Justice.
John Wild, Chief Baron.
Thomas Lord Fairfax.
Oliver Cromwel, Lord Lieut. of Ireland.
Philip Skippon.
Sir Arthur Haselrig, Bart.
Sir Gilbert Pickering, Bart.
Sir William Masham, Bart.
Sir William Armine, Bart.
Sir William Constable, Bart.
Sir Henry Vane, Knt.
Sir Henry Mildmay, Knt.
Sir James Harrington, Knt.
Henry Marten.
John Bradshaw.
Valentine Wauton.
William Purefoy.
Robert Wallop.
John Hutchinson.
Anthony Stapeley.
William Heveningham.
Dennis Bond.
Alexander Popham.
John Jones.
Ald. Rowland Wilson.
Ald. Isaac Pennington.
Edmund Ludlow.
Thomas Scot.
Cornelius Holland.
Luke Robinson.

Edward Lord Howard of Escrick.
Sir Peter Wentworth, Knt.
Thomas Chaloner.
John Gurdon.
Herbert Morley.

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[a] Order Book of Council.

CHAPTER XI.

NEW COUNCIL OF STATE.—ITS DISTRIBUTION INTO COMMITTEES.—LAW APPOINTMENTS.—PROVISION VOTED BY PARLIAMENT FOR SOME OF ITS MOST DESERVING SERVANTS.

1650. New council of state.

THE time was now arrived for reelecting the council of state. They had been chosen in February 1649, and were to continue in office for one year. On the twelfth of February 1650 the question of their reelection was brought forward in parliament. The names of the members of the former council were called over[a]. Philip earl of Pembroke had died on the twenty-third of January[b]; and three of the members of the preceding council, Edmund earl of Mulgrave, William lord Grey of Werke, and sir John Danvers, knight, were rejected. The other thirty-seven were rechosen[c]; and, eight days after, five new members were added, Edward lord Howard of Escrick, sir Peter Wentworth, knight, Thomas Chaloner, John Gurdon, and Herbert Morley[c].

Its distribution into committees.

The arrangement and distribution of the council

[a] Journals. [b] Whitlocke. [c] Journals.

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of state is well entitled to our attention. It appears at the beginning of the second year of the commonwealth, that, as one of their first acts, they renewed five committees of their own body, for the affairs of the ordnance, of the admiralty, and of Ireland, with one for private examinations, and one for negociations with foreign powers[d]. In the third year the latter of these is dropped, and we find in lieu of it a committee of law[e]. The committee of the admiralty and navy was first named on the twelfth of March, twenty-three days from the original instalment of the council of state, and then consisted of only three persons, Vane, Valentine Wauton, and alderman Rowland Wilson[f]. Two others, Jones and Scot, were added in the course of the month[g], and two more, Purefoy and Stapeley, on the sixth of June[h]. Vane was all along the principal person in the care of the navy of England; and, when the war broke out between the Dutch and the English, he and two or three more were appointed commissioners to conduct it[i], and to his activity and skill contemporary writers principally ascribe the memorable success in which that contest issued[i]. The other committees varied in their amount, be-

[d] Order Book, Feb. 16.
[e] Ibid, Mar. 1, 1651.
[f] See above, p. 35.
[g] Order Book, Mar. 26, 1649.
[h] Order Book.
[i] Roger Williams, *apud* Backus, History of the Baptists in New England, Vol. I, p. 286.

ing from seven, to ten or twelve members each, the same counsellor of state being often on different committees. But great advantages no doubt accrued from this methodical distribution of the business of administration. The council at large, whose Order Books are preserved, assembled for the general affairs of government, and to them in the first instance were confided the powers of the state. But these different committees, when they sat apart, had their attention directed without distraction to the special business for which they had been named, and either prepared matters for the guidance and decision of the council in general, or, as appears from the articles of instructions to the council[k], being of a certain assigned number, were authorised and impowered to give directions immediately as from themselves in the departments consigned to their care[k]. The committee of the admiralty in the second year were Vane, Wauton, Jones, Scot, Purefoy, Stapeley, the earl of Salisbury, lord Grey of Groby, Alexander Popham, and Robert Wallop[l]: alderman Rowland Wilson, of whom Whitlocke says, "He was a gentleman of excellent parts and great piety, of a solid, sober temper and judgment, and very honest and just in all his actions, beloved both in the house, the city, and the army, and

[k] Journals, Feb. 13, 1649. [l] Order Book, Feb. 19.

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by all that knew him, and his death as much lamented," deceased in the beginning of this year[m]. The committee for Ireland consisted of Whitlocke, viscount Lisle, sir William Masham, sir William Armine, Purefoy and Bond.

Law appointments.

In the course of this year Robert Reynolds was appointed by parliament to the office of solicitor general, and Widdrington and Green, two eminent lawyers, were named to be of counsel for the government, under the denomination of serjeants for the commonwealth[n]. Edward Atkins had in the preceding year been promoted to be a judge of the common bench[o].

1649.

Provision voted by parliament for some of its most deserving servants.

1. Fairfax.

In the first year of the commonwealth parliament began to take into consideration the making some compensation to a few of the most meritorious of their servants. The first of these in station, as well as in the conspicuousness of his exploits, was Fairfax. It was decided to settle on him by act of parliament a revenue of three thousand[p], which was presently after altered to four thousand, pounds *per annum*[q]. The mode in which it was resolved that this should be done was by presenting him with manors and lands to

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[m] Whitlocke, Mar. 5. [n] Journals, June 6.

[o] Journals, Oct. 19. He was one of the judges who had resigned on the death of the king, and was now appointed in the room of Mr. justice Pheasant, deceased.

[p] Journals, June 6. [q] Ibid, Aug. 24.

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that amount. The gift thus bestowed was taken from the estate of the duke of Buckingham.

1649. Actions of the young duke of Buckingham.

George Villiers, second duke of Buckingham, was the son of the celebrated favourite of James the First, upon whom that monarch had heaped honours and lands almost without a precedent. He was only nineteen months old when his father was assassinated; and of consequence the value of his property had accumulated during a long minority. When he came of age in 1648, he was perhaps the richest subject in the kingdom. In that year, and just at the time of the breaking out of the second civil war, he returned home from his travels on the continent. And, being indebted for the high situation in which he stood to the favour of James the First and Charles the First, and formed by his talents and accomplishments in a peculiar degree to adorn a court, he naturally fell, immediately on his arrival, into the party of the unhappy sovereign. He raised an insurrection in the county of Surry, which was as soon suppressed[r]: but was himself fortunate enough to escape to the continent, where he immediately joined the prince of Wales, and from that time became a member of his court[s].

Forbearance with which he is treated.

The parliament appears to have regarded this nobleman, probably on account of his youth, with

[r] See above, Vol. II, p. 541, 542.

[s] Clarendon, Vol. III, p. 345.

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unusual indulgence. His property had been sequestered; but in 1647 the sequestration was discharged[t]; and, when he returned this bounty of the parliament by appearing in arms against them, the house of lords still voted that fourteen days should be given him, in which time if he came in, and engaged never more to take up arms against them, he should be indemnified for the past[u]. Again, when, six weeks after the death of the king, the number of persons was voted who should be banished, and their estates confiscated, for adhering to his cause, the duke of Buckingham's name was last inserted, not being in the list furnished by the committee appointed to fix on the delinquents[x].

Part of his estates bestowed on Fairfax.

But all this forbearance was thrown away upon this young nobleman. He resolved at whatever sacrifice to remain faithful to his exiled sovereign; and of consequence, when the question of the manors to be settled on Fairfax came under consideration, the estates of the duke of Buckingham invitingly offered themselves for acceptance. The principal town residence of his father had been York House, situate on the ground now occupied by Buckingham Street and Villiers Street in the Strand, and this among the rest was secured to Fairfax by the present act[y].

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[t] Journals, Oct. 4.
[u] Ibid, Mar. 14.
[x] Ibid, July 20, 1648.
[y] Ibid, Aug. 24.

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1649.

The next person whose merits towards the public fell under the consideration of parliament, was Bradshaw, lord president of the council of state. They resolved to settle on him lands to the amount of two thousand pounds *per annum*[z]. The act for that purpose was passed on the fifteenth of August[a]. And further to compensate him for the loss of a lucrative profession, it was resolved to bestow on him the office of chancellor of the dutchy of Lancaster[b]. It is reasonable to infer from these measures, that neither he nor any other member enjoyed any salary in the capacity of counsellor of state. Bradshaw by his office was in some measure the first man in the nation. He was to receive foreign ambassadors, and to represent in his person upon occasions of public solemnity the executive government of the commonwealth of England.

2. Bradshaw.

Another distinguished statesman, whose case went hand in hand with that of Bradshaw, was Henry Marten. He presented a petition to the parliament, representing the arrears due to him as a colonel in the army, and the losses he had otherwise sustained in the service of the public, as well as the sums of money disbursed by him in that service[c]. It was in consequence resolved that lands to the amount of one thousand pounds

3. Henry Marten.

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[z] Ibid, June 19
[a] Ibid.
[b] Ibid, July 28.
[c] Ibid, June 23.

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per annum should be settled on him[d], and the act to that effect was passed on the same day with the act in favour of Bradshaw[e]. The provision not being found to reach the value proposed, a supplemental act in behalf of Marten was passed on the twenty-eighth of September[f].

4. Skippon.

General Skippon, whose name has so often occurred in the history of the civil war, was not forgotten on this occasion, and a provision of one thousand pounds *per annum* was voted in his favour[g]. This provision however was not finally clothed with the forms of a law till two years later[h].

5. Lambert.

The only other name I find in the Journals of a person who at this time received an estate of inheritance from the gift of the parliament, is Lambert. His provision was limited to three hundred pounds *per annum*[i]; and it was invested with the character of a law about twelve months after the time at which it was originally voted[k].

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[d] Journals, July 3.
[e] Ibid, Aug. 15.
[f] Journals.
[g] Ibid, June 19.
[h] Ibid, July 8, 1651.
[i] Ibid, Mar. 27.
[k] Ibid, May 1, 1650.

CHAPTER XII.

ACT FOR REORGANIZING A HIGH COURT OF JUSTICE.—PERSONS SELECTED TO BE TRIED BY THIS COURT BY WAY OF RETALIATION.—THEY ARE SPARED.—PUNISHMENT OF CERTAIN CONSPIRATORS.—TRIAL AND EXECUTION OF SIR HENRY HYDE.—OF CAPTAIN BROWNE BUSHEL.

1650.

Consequence of the acquittal of Lilburne.

THE acquittal of Lilburne was attended with one memorable effect. It served as an instance impressing on the present rulers the opinion, that the government must place no reliance on juries for the trial of political offences. This was perhaps the inevitable consequence of the situation of the people of England, where a government was carried on, however ably and successfully administered, and however virtuous might be the dispositions of those who conducted it, which had not the approbation and support of the majority of its subjects. The parliament endeavoured to meet this difficulty, as they manfully endeavoured to provide for all the difficulties that surrounded them.

Act for reorganising a high court of justice.

They had no other resource, than in the repeated institution of that which they had already

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employed, a high court of justice. The measures of civil policy are in general little more than the choice of what appears to be a less, rather than the submitting to a greater evil. The present leaders had previously decided, that it was better to employ a certain degree of delusion and craft, and to have recourse to the exercise of force in purging the legislative body, than submit to be the witnesses of a coalition between the king and the presbyterians, which should render all their military labours, and all their heroic achievements, impotent and vain. In the present case therefore they did not hesitate rather to consent to the temporary and partial suspension of trial by jury, than abandon all they had effected, and all that they purposed to effect, for the permanent advantage and felicity of the people of England.

Advantages attendant on the English constitution.

Trial by jury had for many centuries been the peculiar boast and glory of this country. It is a main pillar of our liberties. It is a remark, which had often been repeated, and of which the investigators of civil policy ought not to lose sight, that the privileges of individuals may be more fully and invariably asserted, under a mixed government, like that which we call the English constitution, than under a republic. Does it therefore follow, that a mixed government, or in other words a limited monarchy, is better than a republic?

Difference between a mixed government and a republic.

In a mixed government, the negative securities, the preventing the interference of individuals, or

of whatever represents and acts for the whole body of the community, with the discretionary rights of its subjects, wherever it can be dispensed with, constitute perhaps the first topic of attention. In a republic the interests of the whole, the preserving the character, the prosperity and welfare of the nation, constitute the matter first to be attended to.

Value of civil liberty.

Liberty is a blessing which can scarcely be too highly prized. It tends to give an erect mind to the person who possesses it. As Homer says, The day that reduces a man to slavery, takes from him the half of his virtue[a]. It also secures to him who possesses it, to a certain degree the power of defending and entailing it. He has his voice in all public elections and affairs, and is not passively subjected to the judgment, enlightened or otherwise, or the will of another.

Its nature: it is a means only, not an end.

But there is something better than liberty. Liberty is merely a means to an end. It is to be valued for the results with which it is pregnant, and not for its own sake alone. The chain of intellectual prizes which may fall to the lot of human beings, is, knowledge, virtue, happiness. Happiness is the end; and there are no further distinctions to be run on that, than as there may

Chain of benefits which may fall to the lot of man: happiness:

[a] Ἥμισυ γὰρ τ' ἀρετῆς ἀποαίνυται εὐρύοπα Ζεὺς
Ἀνέρος, εὖτ' ἂν μιν κατὰ δούλιον ἦμαρ ἕλῃσιν.
Ὀδυσσεία ρ'. 322.

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be a refined and elevated happiness, a groveling happiness, and various degrees of enjoyment that are in neither of these extremes. The highest happiness is the best. Then comes virtue: virtue the means of promoting the happiness of others, and still more certainly of securing the happiness of the virtuous man himself. Last of the three is knowledge: knowledge, which shews what virtue is, displays all its charms and attractions, and teaches us the way to attain it. Liberty, viewed in this scale, is inferior to the three, and instrumental to them.

virtue:

knowledge:

liberty.

Conclusion.

The conclusion that arises out of all this deduction is, that liberty itself may be valued too highly.

Application of these remarks.

These speculations may seem too abstract, to be fairly entitled to a place in history, whose office is the narration of facts. But without them we cannot fully appreciate the actions and the views of the commonwealthsmen; and they are the express and peculiar subject of this work.

Difficulties with which the government was surrounded.

The present rulers, as has been said, had set up a form of government, which had not the approbation and support of the majority of its subjects. Were they right in engaging in such an enterprise[b]? That is a momentous question. But what we look to now, is their consistency. Having engaged, they were to conduct their undertaking in the best manner they could. The go-

[b] See above, p. 120.

vernment they had organized, they were called on to support. No government can continue to exist unless it has the power to counteract those who seek to subvert it. The present directors had enemies in no common degree formidable, with whom they were forced to contend. The royalists and the presbyterians between them constituted the majority of the nation. They had Ireland and Scotland to hold at bay: and these countries it was perhaps necessary they should conquer. Ireland had invited the pretender to the crown to come among them: so had the Scots. The Scots no sooner heard of the death of Charles the First, than they proclaimed Charles the Second king of Great Britain. The Irish had broken out into a sanguinary rebellion in the year 1641; and their country had been ever since in a fearful state of anarchy and confusion.

Mode by which intestine disturbances were to be suppressed.

The English government were obliged above all things to look at home; and they could not discharge, as has been said, perhaps the most essential duties of government, and maintain the public tranquillity, unless they had the power to counteract those who sought their subversion. To this end the means to inflict punishment is necessary; and this they judged themselves not to possess, in the case of political offences, through the instrumentality of a jury. They had therefore recourse to the same species of tribunal that had decided the fate of Charles the First.

BOOK III.

1650. Disadvantages attendant on a high court of justice.

There was no want among them of learned and skilful lawyers. The prisoner brought before a high court of justice, might perhaps be tolerably sure to have his alleged offence ably sifted, and that the *dicta* of the laws would be fairly applied to it. But he laboured under two disadvantages. First, a jury, especially in the case of political charges, will often be regulated by the impulses of sentiment and feeling, and for these will not hesitate to supersede the rigid inferences of law. Secondly, judges, appointed for a special and temporary purpose, however exemplary and conscientious may be their character and dispositions, cannot fail to have a strong predilection for the views of the government by which they are nominated. The chances of escape therefore for the prisoner are considerably diminished.

Measures that were adopted.

The present government however does not appear to have had any other choice: and accordingly a bill was brought in on the fourteenth of March for reorganizing a high court of justice. The persons at the head of affairs seem to have proceeded cautiously and diffidently. They first called their measure a bill for establishing a court martial within the lines of communication[c], in other words, in London and its environs, and then voted that the court thus erected should bear the name of a high court of justice[d]. The commis-

[c] Journals, Mar. 14.

[d] Ibid.

sioners appointed to constitute the court were Keble, one of the commissioners of the seal, Steele, recorder of London, serjeants Green and Parker, and seven others; and the bill passed into a law on the twenty-sixth[e]. A few days after, a new act was passed, supplementary to the former, by which Aske, Nicholas, Puliston, Warburton, Thorpe and Rigby, six of the judges, were added to the former commissioners[f].—Such however was the mildness and forbearance of the present rulers, that they suffered the act to sleep for the time, and regarded it merely as a warning to the disaffected, and a pledge that they determined not to suffer aggression with impunity.

Assassinations of Dorislaus and Ascham.

The assassination of Dorislaus at the Hague, and of Ascham at Madrid, both of them ambassadors from the new commonwealth, and both perpetrated by English exiles, took place, the first in May 1649, and the second in June 1650. The particulars of these events will be related, when we come to treat of the transactions of the government of the commonwealth with foreign nations. The first of these events probably gave occasion for passing the present act; the second determined the parliament to bring into use the institution they had created.

[e] Journals, Mar. 20, 21, 26.

[f] Ibid, Apr. 2. The powers of this court, which appear to have been originally given for six months, were several times renewed: and the names of other commissioners, not contained in the first act, are annexed to a certificate of the court, Journals, June 10, 1651.

BOOK III.

1650. Retaliation for these outrages decreed.

The death of Ascham was officially announced to the parliament on the twenty-first of June; and, a few days after, it was determined that a certain number of persons, charged with offences against the state, should be proceeded against for their lives, on occasion of this murder[g]. The persons ultimately fixed on were six, sir John Stowel, sir William Davenant, judge Jenkins, the man who had stirred up Lilburne to the prosecution of Cromwel[h], colonel Walter Slingsby, colonel Gerard, and captain Browne Bushel[i]. Only one of the persons included in this vote suffered death; but the prospect of capital punishment was suspended before them for many months.

Six persons fixed on as victims.

1651. Sir John Stowel.

Sir John Stowel was brought to his trial in the course of the following year; but he pleaded, that he was entitled to the benefit of the articles for the surrender of Exeter, and his plea was admitted[k].

Jenkins and Davenant said to have been saved by Henry Marten.

Judge Jenkins and sir William Davenant, without trial, are said to have been saved by the intervention of Henry Marten. Jenkins was a man of an uncommonly resolute and intrepid character, and is reported to have declared that, if he were hanged, he was determined to suffer, with the Bible under one arm, and Magna Charta under the other. Marten urged on this occasion the proverb, that "the blood of the martyrs is the seed

[g] Journals, June 28.
[h] See above, Vol. II, p. 425, 426.
[i] Journals, July 5, 9.
[k] Journals, June 10, 11, 1651.

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of the church," and advised the government to desist from meddling with such a man any further[l]. Davenant had had the misfortune to lose part of his nose in some of his youthful adventures with the fair; and Marten had recourse to this, as an argument, alleging that he was but a rotten subject, and that sacrifices by the Mosaic law were always required to be pure and without blemish[m].

Story of Davenant and Milton.

There is a story so pleasing that it ought not to be suppressed, that Davenant was saved by the interposition of Milton[n]. It does not seem however that any powerful mediation was necessary, since nearly all the persons marked out for trial escaped. Davenant was engaged in the composition of an heroic poem, called Gondibert, intended to consist of five books, in which there are uncommonly beautiful and exquisite passages. He wrote the first half of the third book in prison; but then he quitted it, alleging, that, "even in so worthy a design he should ask leave to desist, when he was interrupted by so great an experiment as dying[o]."

1650. Execution of Lewen:

But it was not thus that the government proceeded with persons engaged in fresh conspiracies against the state. While Charles the Second was

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[l] Athenæ Oxonienses, Vol. II, p. 328.

[m] Aubrey's Lives, in Bodleian Letters, Vol. II, p. 308.

[n] Athenæ Oxonienses, Vol. II, p. 412.

[o] Gondibert, Postscript.

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himself preparing to pass over into Scotland, it was thought proper by his council to send over blank commissions into England, for the purpose of raising a diversion there; and several zealous royalists fell a sacrifice to this expedient. Scot, one of the members of the council of state, was particularly industrious and successful in tracing these practices; and two hundred pounds were assigned him quarterly, to be expended in secret services[p]. Dr. Lewen, a civilian, was discovered to have some of these blank commissions in his possession, and being brought before a court martial, was hanged on the eighteenth of July[q].

of Eusebius Andrews.

Eusebius Andrews, a man who had been bred to the law, but afterwards became a colonel in the king's army, and, when the war was over, returned to his original profession, was drawn in at this time, by one Benson, and brought by him to the acquaintance of sir John Gell, a presbyterian, who had served with great activity during the whole war, but was dissatisfied with the present government. Andrews was apprehended at Gravesend, where he had gone to join the malcontents of Kent. He was tried by the high court of justice, who sentenced him to be beheaded, *Benson to be*

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[p] Order Book, July 9, 1649.

[q] Echard. Athenæ Oxonienses, Vol. II, Fasti, 28. Whitlocke, July 18. Heath, p. 269. Lloyd, p. 560, 561. It may be doubted after all, whether he was not tried before the high court of justice.

hanged, and sir John Gell to lose his estate, and be imprisoned for life[r].

1651.

The next person brought before the high court of justice was sir Henry Hyde, a distant relation to Edward Hyde, principal minister to the exiled sovereign, and afterward earl of Clarendon. His case was a singular one. Sir Thomas Bendish was the English ambassador to the court of Turkey, appointed originally by Charles the First; but, as he favoured the principles of those who opposed the monarch, he afterwards received his credentials from the parliament. Sir Henry Hyde was a merchant in the dominions of the Grand Signior, and subsequently appointed consul in the Morea. Charles the Second, for some purposes of his own, at this time named sir Henry to negociate for him with the Ottoman Porte, with the style of internuncio. Meanwhile the English merchants resident at Constantinople, conceived some jealousy of the designs of this new envoy, and contrived, with the concurrence of the Grand Visier, to entrap him, and send him prisoner to England.

Case of sir Henry Hyde.

Appointed envoy to the Porte by Charles the Second.

Sent prisoner to England.

For what he had done at Constantinople, and the character he assumed there, sir Henry Hyde was arraigned before the high court of justice. We possess no account of his trial, and can therefore only conjecture the nature of the proceedings.

His trial:

[r] Whitlocke, Aug. 17, 20, Sept. 25, 30, Oct. 2, 7. Lloyd, p. 561, 562. Heath, p. 270. Echard. Athenæ Oxonienses, Vol. II, p. 282.

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He was charged with treason. By the new act of treason, whoever plotted, contrived, or endeavoured to stir up, or raise force against the present government, or for its subversion, incurred the pains of treason. According to the old act of Edward the Third, to levy war against the chief magistrate was treason. Charles the Second at this time possessed no authority or dominion in England, and, by the law of nations, had no right to appoint an ambassador or envoy in the character of king of England. The proceedings of this envoy, whatever they were, tended to disturb the character and functions of the ambassador of the English government. They set up a pretender, a rival government, and were calculated to bring into discredit the government by which the affairs of England were at this time administered. How far this amounted to treason is somewhat difficult to say. The high court of justice pronounced it such; and sir Henry Hyde suffered accordingly on the fourth of March 1651[s]. The parliament no doubt took this step the rather, that they might put themselves on an unequivocal footing with foreign countries, and to shew that, if they were new in authority, they did not on that account intend to allow themselves to be treated with disrespect.

and execution.

Browne Bushel.

The last person to be mentioned under this head

[s] Athenæ Oxonienses, Vol. II, p. 1152. Whitlocke, Mar. 1. Heath, p. 285. Lloyd, p. 559, 560.

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1651.

is Browne Bushel, one of the five that had been ordered for trial with sir William Davenant. Bushel was a sea-faring man and a pirate, a man who adhered to no party, and seemed to set himself above all laws. He first betrayed Scarborough to the parliament, and then secured it against the parliament for the king[t]. He had anew been trusted by the parliament, and appointed to the command of a ship, and in this situation was deeply concerned in the revolt of the fleet to the king in 1648[u]. For these multiplied infidelities he was at length brought to account, and suffered death on the twenty-ninth of March[w].

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[t] Rushworth, Vol. V, p. 265.

[u] Lloyd, p. 561.

[w] Heath, p. 285.

CHAPTER XIII.

STATE OF SCOTLAND.—DISCUSSIONS BETWEEN THE SCOTTISH PARLIAMENT AND THE ENGLISH.—CHARLES THE SECOND INVITED BY THE SCOTS.—DISASTROUS EXPEDITION OF MONTROSE.—LANDING OF CHARLES.—FAIRFAX AND CROMWEL ORDERED TO MARCH AGAINST HIM.—FAIRFAX RESIGNS.—CROMWEL APPOINTED COMMANDER IN CHIEF.

BOOK III.

1650. Cromwel in London.

CROMWEL, as we have seen, was summoned home from his command in Ireland early in the year 1650. The first vote for that purpose was passed in parliament on the eighth of January[a]. It was not till the fourth of June, that, owing to various delays from contrary winds, and from the urgency of the service in Ireland, Cromwel presented himself in his place in parliament, and received the thanks of the house for his exemplary and meritorious exertions in that country[b].

1649. State of the people of Scotland.

The affair in which it was conceived that the government so cogently required his assistance, was that of Scotland. Scotland was a country very

[a] Journals.

[b] Journals. Cromwelliana, p. 80.

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1649.

differently circumstanced from England in many essential respects. The Scots were almost to a man presbyterian, and were therefore impressed with the utmost antipathy to the present ruling party in the southern state, as a body of licentious and lawless sectaries. They were wholly unprepared for republican speculations, and regarded with impatience the dishonour fastened on their government, who, by delivering up Charles to the English after he had thrown himself on their protection, had eventually produced his tragical catastrophe: though nothing could be more unjust than the making them accountable for it, as in delivering him up they had no rational mode of avoiding to do so, and they had delivered him to the English presbyterians, men certainly not less averse to republican and king-killing doctrines than themselves. In Scotland the feudal institutions were universal, and existed in the utmost vigour; a state of things in the highest degree alien to the democratical speculations which were now so extensively spread among the English.

Their antipathy to the government in England.

The man who at this time held the principal sway in Scotland, was Argyle; and he is supposed to have been stimulated by an aversion to the Stuart race, and to have proceeded in all his political designs in concert with Cromwel[c]. But it is an arduous, and in many cases an impracti-

Character of Argyle.

[c] See above, Vol. II, p. 572.

BOOK III. 1649.

cable undertaking, to guide the affairs of a country, in direct opposition to the opinions and prejudices of the great majority of its inhabitants; and Argyle was by nature gifted with that subtlety and hypocrisy, which should best enable him to accommodate himself to circumstances, and to endeavour to advance his real ends by the most unpromising and indirect means. The presbyterians of Scotland were as bigoted and enthusiastical a set of men as are to be found in history, and they were guided by their clergy in the most blindfold and implicit manner. Argyle had therefore the difficult task of rendering this clergy subservient to his ends. Meanwhile he had the advantage of being himself a sincere presbyterian, though his prejudices of that sort seem never to have prevented him from following what he deemed the dictates of true policy.

Charles the Second proclaimed in Edinburgh.

Conformably to this state of things, the catastrophe of Charles the First was no sooner known in Scotland, than Charles the Second on the fifth of February was in the usual forms proclaimed at the high cross in Edinburgh king of Great Britain, France and Ireland. Loudon, the chancellor, read the proclamation, and the parliament-lords in their robes assisted at the solemnity [d]. The parliament was now sitting, and orders were immediately voted that the earl of Lothian, sir John

[d] Balfour, Annals of Scotland, Vol III. p. 367. Heath, p. 232.

Cheesley, and William Glendinning, commissioners from the committee of estates to the English parliament, together with the earl of Cassilis, and Blair, a minister, should proceed to Charles at the Hague, to invite him to repair with all speed to Scotland, and take possession of the vacant throne[e].

Scots protest against the trial of Charles the First.

The Scots' commissioners at London delivered in a protest to the English parliament pending the king's trial, declaring that, though by no means satisfied with his concessions in the isle of Wight, and adverse to his restoration to authority till better contentment was given, yet they in the highest degree disapproved of all criminal proceedings against him, and the idea of taking away his life with the forms of justice[f]. This protest was laid aside unread, upon the pretence that in it the commons of England were not acknowledged as a house of parliament[g]. The consideration of the subject however was revived three days after[h], but the answer was deferred on various pretences till the twentieth of February[i].

Answer from the English parliament.

It was conceived in terms of great moderation. The parliament alleged, that they would not allow themselves to be restrained or interfered with in the exercise of that liberty which belonged to

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[e] Balfour, p. 388. Heath, p. 233.

[f] Clarendon, Vol. III, p. 281, 282.

[g] Whitlocke, Jan. 16. [h] Journals, Jan. 19. [i] Journals.

BOOK III. 1649.

them as a free and independent nation, and that, if Scotland had not the same privileges, they were not about to prescribe to its government. If however the neighbouring nation were inclined to vindicate its liberties, England would be ready to afford them all neighbourly and friendly assistance in so just an undertaking. Meanwhile they adjured them to take the matter into serious consideration, before they espoused a quarrel, which could have no better issue than involving themselves and their posterity in lasting war, and bringing them under slavery to a tyrant and his offspring[k].

Reply of the Scottish commissioners.

The commissioners made no delay in replying to this invitation. They remarked that the commons now sitting at Westminster, after many members had been imprisoned, secluded by force, or compelled to withdraw, had done many things of a novel and extraordinary nature, which would not have been done in full parliament. They added that, in pursuance of the instructions they had received from the parliament of Scotland, they held it their duty to desire, that there might be no toleration of idolatry, popery, prelacy, heresy, schism, or profaneness, that there might be no change of the fundamental constitution by king, lords and commons, that nothing might be done to prejudice Charles the Second in his succession

[k] Clarendon, p. 282, 283.

to the crown, and that, upon just satisfaction given to both kingdoms, he might be received and admitted to the exercise of his government. They concluded, If, notwithstanding our earnest desires and endeavours to the contrary, the commons now sitting at Westminster shall proceed otherwise in all or any of these particulars, we hereby, in the name of the parliament and kingdom of Scotland, dissent from the same, and solemnly protest against it, that we may be free before God and man from all the guiltiness, evils, confusions, miseries and calamities, that may follow to these distracted kingdoms[1].

Manifesto of the parliament of England.

This memorial was delivered to the parliament on the twenty-sixth, and on the same day a declaration was issued in answer to it, in which it is stated, that the paper contained much scandalous and reproachful matter against the just proceedings of parliament, that it assumed a power on the part of Scotland over the laws and government of this country to its high dishonour, and that it implied a design on the part of its contrivers to raise sedition, and lay the grounds of a new war, on the principle of the perfidious invasion of the preceding summer. The declaration concluded with a due warning to all persons in England, who might join with or assist the contrivers of this paper in their seditious and violent purposes, that

[1] Tracts, Gift of Geo. III, Vol. 411, Tract 28.

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they would be considered as rebels and traitors against the commonwealth of England, and be proceeded against accordingly[m]. It was at the same time ordered that the commissioners should be placed under a guard, and that no one should be suffered to have access to them, unless for the purpose of supplying them with necessaries[n]. Meanwhile the commissioners, who, as has been stated, were under orders to proceed to the king at the Hague, found means to escape as far as Gravesend, but were there apprehended, and sent under a guard to Berwick[o]. In consequence, the Scots parliament, to avoid delay, appointed the earl of Cassilis with four others to wait on Charles in Holland, to whom the commissioners of the general assembly added three more on the part of the church of Scotland. They set sail on the seventeenth of March[p].

The commissioners are taken into custody.

Charles the Second invited by the Scots.

The direction of the affairs of Scotland was at this time principally in the marquis of Argyle. One of the first acts of the parliament was what was called the act of classes, excluding certain descriptions of persons from all places of public trust, and particularly directed, first, against the pure royalists, and secondly, against all persons who had engaged in, or any way promoted Hamilton's invasion of England in the preceding

Act of classes in Scotland.

[m] Journals. [n] Ibid.

[o] Ibid, Feb. 26. Whitlocke, Feb. 28, 26. Balfour, p. 388, 389.

[p] Balfour, p. 392, 393.

year[q]. In consequence of this act they displaced the lord treasurer, the privy seal, the secretary of state (Lanerick), and eight lords of session[r]. Another measure which distinguished this period was the execution of the marquis of Huntley, one of the most zealous royalists, and who had married a sister of Argyle. He had been sixteen months in prison, and suffered under a former act of attainder on the twenty-second[s].

1649. Marquis of Huntley beheaded.

The little court of Charles the Second at the Hague contained the representatives of three different parties in Scotland, the commissioners from the parliament, Lauderdale and Lanerick, who had fled in consequence of the miscarriage of Hamilton's invasion, and the marquis of Montrose. Each of these parties looked on the other two with inveterate animosity: only Montrose, who was desirous by any means of the restoration of pure royalty, would gladly have been reconciled with the exiled lords[t]. Charles and his English counsellors had the greatest distaste to the overtures of the Scottish parliament, though they were in no haste to dismiss the commissioners.

Intrigues in the court of Charles at the Hague.

The assassination of Dorislaus had rendered it necessary for Charles to remove out of Holland[u]; and, after having paid a visit to his mother at St.

He removes to the isle of Jersey.

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[q] Ibid, p. 377, 389. Burnet, Memoirs of Hamilton, p. 422.
[r] Balfour, p. 389, 390. [s] Ibid, p. 393.
[t] Clarendon, Vol. III, p. 291. [u] Clarendon, p. 293, 294, 295.

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Germains, he repaired to Jersey[w], which still acknowledged his authority, and where he continued for the remainder of the year. The pretext for his residence here, was that he might be ready on the first favourable opening to pass over into Ireland, he and his courtiers having decided that it was better that he should go to that kingdom, where he would be under no restrictions, than to Scotland, where the first thing required of him would be that he should subscribe to the covenant, to which both he and they had the most rooted objection.

Second invitation.

The victorious progress of Cromwel however soon shewed that the expedition of Ireland would be a desperate adventure: and Argyle therefore felt himself compelled by the dispositions and temper of his countrymen, to allow of another embassy inviting Charles to come into Scotland[x]. Accordingly, Winram, one of the new lords of session, was sent over to Jersey; and the king, being better disposed to enter into some arrangement with the Scottish government, and finding Jersey no longer a safe residence for him, appointed Breda, a town belonging as private property to the prince of Orange, as the scene of negociation[y].

Charles the Second at Breda.

1650.

The commissioners that were sent were Cassilis

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[w] Ibid, p. 323, 324, 325. [x] Ibid, p. 342.

[y] Ibid, p. 343. Balfour, Vol. III, p. 432, Vol. IV, p. 2.

and Lothian for the peers, with two for the barons, two for the boroughs, and three for the church; and they sailed from Scotland on the ninth of March[z]. It is scarcely just to call that a negociation, in which one party had only to dictate, and the other to submit. Charles, tired of living an exile and a wanderer, and perceiving that no other part of his dominions was open to him, subscribed to every thing that was required[a].

Dictatorial character of the invitation.

But an unfavourable circumstance occurred at this time, which threatened to defeat the whole enterprise. Montrose had applied for, and obtained from the king the summer before, a commission to enlist such forces as he might be able to raise in the north of Europe, with which he purposed with all practicable expedition to make a descent on the coasts of Scotland[b]. Charles greatly preferred the being introduced in this way to his native soil, unfettered with restrictions, and not obliged to subscribe to conditions repugnant to his will. Montrose was stimulated in part, it should seem, to the undertaking, by an idle prophecy, that to him and him alone it was reserved to restore the king's authority in all his dominions[c]. Encouraged by these causes, and urged by the impetuosity of his own character, with very little

Tragical fate of Montrose.

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[z] Balfour, Vol. IV, p. 6.

[a] Clarendon, p. 344, 345. Burnet, Memoirs, p. 422.

[b] Clarendon, p. 303, 304.

[c] Ibid, p. 304.

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preparation he landed in the north of Scotland in the month of March. He was defeated at the first encounter of an enemy; and nothing has given lustre to the conclusion of his life, but the rigorous and brutal manner in which he was put to death, and the magnanimity with which he sustained every contumely that was put upon him. He was hanged at the High Cross at Edinburgh on the twenty-first of May[d].

Charles arrives in Scotland.

The news of this disaster by no means served to deter the king from his enterprise. The more he was cut off from every other resource, the more resolute he became to make experiment of this. He embarked at Terveere on the second of June, and cast anchor in the Frith of Cromartie on the twenty-third. He brought with him the duke of Buckingham, the earls of Lanerick and Lauderdale, Wilmot[e], Brentford, and several other persons of quality and rank[f]. But, before he was permitted to land, the commissioners required him to sign both covenants, which solemnity was succeeded by various sermons and lectures on board the ship, exhorting him to persevere in the engagements into which he had entered[g]. The parliament adjourned on the fifth of July; and on the sixth the king, having passed through Aberdeen

His residence at Falkland.

[d] Clarendon, p. 351, *et seqq.* Winstanley, England's Worthies.
[e] Father of Rochester, the poet.
[f] Walker, Sir Edward, Discourses, p. 158. [g] Ibid, p. 159.

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and Dundee, was brought, pursuant to the route settled in that assembly, to his own palace of Falkland[h]. Two or three days after, Argyle, with the earls of Buccleugh and Wemys, and other members of the committee of estates, waited on him; and at the same time the majority of the nobles of both kingdoms, and others, who had accompanied the king in his voyage, and had not withdrawn themselves at his landing, were forbidden to follow him further. An exception was made in favour of Buckingham and Wilmot[i].

Fairfax and Cromwel destined to march against him.

One of the considerations that had made the parliament so urgent in the recal of Cromwel from Ireland, was the probability, in the apprehension of the English government, that they should be involved in a war with Scotland. They early felt the advantageous footing on which Cromwel had placed the war in Ireland; they judged Ireton to be fully competent to the finishing that enterprise; and they were desirous of employing the joint talents of Fairfax and Cromwel to dissipate the storm they saw gathering in the north. It was true that the direction of the affairs of that country was at present apparently in Argyle; he had yielded from necessity only to the invitation of Charles; and he was sincerely desirous of restraining the royalty of the young king within the

[h] Balfour, Vol. IV, p. 19, 80. Walker, p. 160.
[i] Walker, p. 159, 160, 161. Balfour, p. 77.

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limits of Scotland, without administering just cause of offence to their southern neighbours. But the statesman who had submitted against his will to the ascendancy of the clergy and the more violent presbyterians, would probably have little power of controling them in their ulterior views. And their love for their own system of church-government was so intense, and their hatred of sectaries and the latitudinarianism of religious opinions so fierce, that it was not difficult to see in what it would terminate.

Warlike preparations.

Influenced by these anticipations, the parliament on the ninth of April voted, that the council of state should be impowered and required by all ways that they might think fit, to prevent invasions from abroad, and preserve the peace of the nation from tumults and insurrections[k]. In consequence of this reference a considerable augmentation of the army was voted[l]; and on the twelfth of June it was further ordered, that both Fairfax and Cromwel should be commanded to go on the northern expedition[m]. These officers immediately signified their readiness to engage in the proposed enterprise[n], and a commission was passed on the fourteenth giving to Fairfax such additional powers as the undertaking might require[n].

Revolution in the sentiments of Fairfax.

In this situation a revolution occurred, which was ultimately attended with the most important

[k] Journals. [l] Ibid, May 7. [m] Journals. [n] Ibid.

consequences. Fairfax, as we have seen, had hitherto constantly gone with the party of the independents. A remonstrance from the army had been presented to the house of commons on the twentieth of November 1648, in which a thing specially called for was that the king should be brought to justice as the capital source of all grievances; and Fairfax had accompanied this remonstrance with a letter, pressing the subject of it upon the immediate attention of parliament[o]. In his expostulations addressed to the mutineers immediately before the affair of Burford, he thus expresses himself: "The parliament began with that great act of justice, which was by good men so called for, and was indeed so necessary a duty, to take off the pollution of innocent blood wherewith the land was defiled. They proceeded in the next place to the removing the house of peers, which challenged so great a share in the legislative power, and without whose concurrence every thing that tended to the public good received a stop, and could not pass into a law. With what difficulty this was obtained, to make laws against kingship and a house of peers, that they never again return to us, they best know who had the trouble of it[p]." He had further just expressed his readiness to engage in the northern expedition,

[o] See Vol. II, p. 630, 631.

[p] Declaration of Fairfax on Occasion of the Present Distempers, p. 6, 7. See above, p. 73, 74.

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which the government had resolved to confide to his care.

1650. Conduct of lady Fairfax.

But there was an impediment to this proceeding which arose within the house of Fairfax himself. Lady Fairfax was a presbyterian, and was surrounded by presbyterian ministers; the chaplains of Fairfax were independents; and were driven from his presence by her demeanour, while the general himself led an unquiet, unpleasant life with her on their account[q]. The result was, that Fairfax on this occasion began to express his scruples and uneasiness at the thought of marching against the Scots. When a man publicly accepts an important employment, and a few days after gives vent to his doubts as to the propriety of what he has done, this amounts to something like a moral certainty that his new views are the result of an external impression. The presbyterians, and lady Fairfax as a presbyterian, had a vehement partiality for the presbyterians of Scotland, and the greatest repugnance to engage against them in bloodshed and war.

Committee appointed to wait on the general.

The council of state, having received from Fairfax an intimation of his demur, appointed a committee of Cromwel, Lambert, Harrison, Whitlocke and St. John, to confer with him on the subject, and endeavour to remove his difficulties. Of these persons Cromwel appeared most earnest with him to forego his scruples, alleging the dis-

[q] See above, Vol. II, p. 664, note.

couragement it would prove to the English army, and the advantage it would afford to the enemy, if their general, who had appeared at their head on all former occasions, should now throw up his commission. Cromwel added, that he had rather serve under Fairfax in his present appointment, than command the greatest army in Europe. But all they could obtain from the general, was a declaration, that, if the Scots actually proceeded to the extremity of an invasion, he would cheerfully lay down his life to resist them. The next day Fairfax sent in his resignation to the parliament; and a resolution was immediately taken, and an act passed, constituting Cromwel captain general and commander in chief of all the forces of England[r].

Fairfax resigns, and Cromwel is appointed to succeed him.

Ludlow and Whitlocke have both of them left an account of the conference between Fairfax and the committee. They each of them remark, that no one appeared so passionate as Cromwel in endeavouring to remove the objections of the general, insomuch that they would really have thought him in earnest, if subsequent circumstances had not enough shewn that he did not over much desire it. And what were these circumstances? Why, that, when it was sufficiently known that Fairfax would not be moved from his purpose, Cromwel immediately accepted the ap-

Sincerity of Cromwel vindicated.

[r] Journals, June 25, 26. Whitlocke. Ludlow, p. 314, 315, 316.

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pointment to succeed him. Surely this is very slight evidence. What Whitlocke and Ludlow believed while the scene was passing, every candid mind will believe now. When Fairfax obstinately withdrew himself from the command, was it a crime in Cromwel to believe that he was the fittest man to fill the vacant situation? Why should not Cromwel believe what every one else believed? Was this a proof that he was insincere in his exhortations?

Generosity of his sentiments exemplified.

Nothing can be more obvious through the whole stream of this history, than the generous spirit of Cromwel. It was this, that made the virulent and contumacious genius of Lilburne confess, that he had looked upon Cromwel "as the most absolute single-hearted, great man in England[s]." It was the same disposition that produced the pliancy of Cromwel to the suggestions of Ireton, the stooping of a mind of the highest class to another, which in magnitude of comprehension could scarcely be said to equal his own, and which yet was worthily submitted to[t]. And it was this same temper that filled Cromwel with admiration for the high and beautiful qualities of Fairfax, and made him say and think at the time, that he had rather serve under him, than command the greatest army in Europe. Cromwel was not like some usurpers on record, who stood aloof, and regarded

[s] See above, Vol. II, p. 419.

[t] Ibid, p. 201.

the community of mankind with a scowling look, as persons unworthy to come near them. He had many friends; and in his own family, and in his most intimate connections, he was distinguished by the warmth of his affections. CHAP. XIII. 1650.

Reflections.

It is certainly with some pain, that we thus dismiss perhaps the kindest-hearted man that ever figured so high on the stage of history. We are glad that Fairfax loved his wife; but it was not altogether right, that he should sacrifice all his connections, the schemes in which he had been engaged, and his country, at the shrine of her good will. It is difficult to know exactly what place to assign to the accomplished wife of a statesman. He is bound by an oath not to discover to her the secrets of office and of counsels; that oath he must not break. There have been women fully competent to administer the affairs of a nation; let such govern in their own right. It is fit that a wise wife should direct the measures of a foolish husband; but it is not fit that he should be intrusted with the welfare of millions. In a word, it is to be desired that every one should act frankly and openly for him or herself; there is something dishonest and unhealthy in all cases in a system of favouritism, when one person is the puppet that appears to do every thing, and another irresponsible person lies *perdu*, pulls the wires, and really contributes the wisdom and activity, or the contrary, which another gravely represents.

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Military character of Fairfax.

The reader must not imagine however that it was merely for kind-heartedness that Fairfax was eminent. He was a most accomplished general. The English army, revived under him in 1645, was a body of a totally different construction and character, from what it had been before that period. He led them on to assured victory. In the field of battle he was collected and vigilant, seeing every thing. He was a man of eminent virtue. He was inaccessible to the impulses of a crooked ambition, and was consequently the fittest man in the world to be at the head of the armies of a newly constituted republic.

Purity of his dispositions.

Trying situation of Cromwel.

This moment was doubtless no less critical to Cromwel, than it was to the state. Before this high accession of trust and power, and for some time after, he had done no act, and probably conceived no thought, derogatory to the confidence reposed in him, or to the purity of his own patriotism. But this was the crisis, that exposed him, as appeared in the sequel, to the heat of a temptation, before which his disinterestedness melted away. He had for years been the most efficient man in the republic. He had defeated duke Hamilton in the battle of Preston. He had achieved the conquest of Ireland. But in these undertakings he was still but the second man in the command of the forces of England. He was now appointed the principal, and in that character proceeded to the completion of two successful campaigns. It was only by slow degrees that he

came to entertain those ambitious thoughts, that in the sequel proved fatal to his own character and the welfare of his country. But they found entrance; and imperceptibly they proceeded to undermine the pillars of integrity and honesty in his bosom. He saw himself without a competitor. He had no equal. He began to disdain and despise those with whom he had hitherto acted. Incomparably the man of the highest genius he now met in the council-chamber at Whitehall, was sir Henry Vane. But what was Vane? He was wholly unfit to command an army. He did not possess that most glittering and striking of human accomplishments, to look through whole files and squadrons of athletic, well formed, and well armed men, and inspire them at once with confidence, submission and awe, and make them move as if they had only one soul, and march at his word unflinching, even to the cannon's mouth. He was said by those who had had the best opportunities of observing him, though we see nothing of this in his history, to have been of a timid character[u]. He had a head darkened in his notions of theology, and set up a form of religion in a way of his own, which many men found it difficult to

Comparison of Cromwel and Vane.

[u] Burnet says, "This one who knew him well, told me, and gave me eminent instances of it." It was probably nothing more than a nervous sensibility, which made him liable to be discomposed at some incidental surprise, and may be no way inconsistent with the truest magnanimity. It rather tended by contrast to shew off the latter to superior advantage.

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understand[w]. Cromwel called him a juggler[x]. Cromwel was a fanatic too. No matter: the wildest enthusiast, the man who believes the greatest number of absurdities, will always be found as ready as the most practised unbeliever, to laugh outright at the absurdity of another, which finds no place in his creed.

Cromwel's estimate of himself.

Cromwel judged of himself, that he was a man decidedly of a superior class to those with whom he conversed. Why should he not be the same in his own act and valour, as he was in reality? Why should he not shew himself, and be seen, for what he was? Why should not all outward circumstances, the pomp of titles, appellation and attendance, correspond to and express his real worth? Can there be, it was thus he reasoned, either immorality or sin in this fitness?

In the remarks here given we are anticipating the course of events. It was only by slow degrees that Cromwel arrived at the conclusions, which are put down at once in this place.

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[w] Burnet, anno 1661.

[x] A term used by Cromwel at the dispersion of the parliament. See below.

CHAPTER XIV.

CROMWEL MARCHES INTO SCOTLAND.—LUDLOW MADE LIEUTENANT-GENERAL OF THE HORSE IN IRELAND:—COOKE CHIEF JUSTICE OF MUNSTER.—CHARLES'S COMPLIANCES WITH THE KIRK OF SCOTLAND.—MANŒUVRES OF THE TWO GENERALS, CROMWEL AND LESLIE.—BATTLE OF DUNBAR.—CHARLES WITHDRAWS FROM THE SCOTTISH ARMY.—RECONCILIATION.—MANŒUVRES.

1650. Declaration of war against the Scots.

On the same day on which Cromwel was appointed commander in chief, a declaration was voted, setting forth the justice and necessity of the expedition into Scotland. The reasons principally alleged in this paper, were, that the parliament of that country had proclaimed Charles the Second king of England and Ireland, as well as of Scotland, immediately after the death of his father, and that they had constantly refused to recognise the present government of England, on all occasions referring to the force which had been put upon the house of commons by the army, immediately previous to the trial of the late sovereign[a].

[a] Tracts, Gift of Geo. III, Vol. 470, Tract 4.

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1650. Preparations in Scotland.

Charles had in the March of the present year signified his acceptance of the invitation of the parliament and church of Scotland; and his arrival was so fully counted on, that on the twenty-first of May the parliament voted the route by which he should proceed from Aberdeen to his own palace of Falkland[b]. On the fourth of June they referred to a committee the consideration of the English business, and the looking to the peace of the kingdom[c]; and, two days after, they received the report of this committee, recommending a present levy of horse and foot, and a nomination of officers[d]. On the twenty-second they adopted letters of expostulation to the speaker of the English parliament and to Fairfax[e], and on the twenty-fifth passed the act of the new levy for ten thousand foot and three thousand horse[f].

March of Cromwel.

Cromwel set out from London for Scotland on the third day after receiving his commission[g], and crossed the Tweed on the twenty-second of July[h]. His forces amounted to seven thousand five hundred foot, and three thousand five hundred horse. His principal officers were Fleetwood lieutenant-general, Lambert major-general, Whalley commissary-general, Monk, Pride and Overton[i].

Ludlow made lieutenant-general of the horse in Ireland.

Before Cromwel set out for Scotland, he became

[b] Balfour, Vol. IV, p. 19. [c] Ibid, p. 44. [d] Ibid, p. 47.
[e] Ibid, p. 54, 56. [f] Ibid, p. 57, 60. [g] Whitlocke, June 29.
[h] Cromwelliana, p. 85. [i] Ibid, p. 89.

anxious respecting the situation in which he had left his friend Ireton, upon whom he had devolved the whole care of the affairs of Ireland, both civil and military. Under this urgency he cast his eyes on Ludlow. He was taking with him in his Scottish expedition all the choicest and most able of his military colleagues; and, though Ludlow was not altogether the sort of man that Cromwel, with his unbounded sagacity and penetration, would have chosen for so important a trust, he was upon the whole perhaps the fittest of those who were unemployed; and he came recommended to the great statesman by the plain honesty and integrity of his purposes, qualities that would be sure to give him a firm hold on the confidence of Ireton.

Conversation between him and Cromwel.

With these thoughts in his mind, Cromwel at this time took a seat near to Ludlow in the house of commons, and opened a conversation with him. He told him, that he had observed an alteration in his looks and carriage, and was sure that, in a person of his frank and upright nature, this imported some distrust. Ludlow readily confessed, that he had entered into the jealousies, commonly entertained at the time when Cromwel and Ireton seemed to be on so confidential terms with the late king. Cromwel descended to a full explanation of the views with which they had then been actuated, and expressed himself with such openness and zeal upon a variety of subjects,

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that he ended with gaining Ludlow's heart[k]. In fine Ludlow, on the suggestion of Cromwel, was appointed lieutenant-general of the horse in the army of Ireland; and he, with Ireton and colonel John Jones, were named commissioners for managing and right ordering the civil affairs of that country[l]. To these were shortly after added Miles Corbet, John Weaver and Richard Salway[m].

Cooke appointed chief justice of Munster.

One of the topics that occurred in the conversation of Ludlow and Cromwel is in many ways material to the character of the commonwealth, and of some of the principal persons concerned in its affairs. Cromwel had shortly before appointed John Cooke, who had been solicitor for the parliament on the trial of Charles the First, to be chief justice for the province of Munster. Cooke distinguished himself so early as February *1646* by publishing a tract of no common merit, entitled, The Vindication of the Professors and Profession of the Law, in which is declared what manner of persons Christian Magistrates, Judges and Lawyers ought to be. Cromwel, either from the perusal of this tract, or from personal intercourse with the author, was led to conceive that he was a man who might be most usefully and advantageously employed in the highest administration of justice. The tract itself abounds in suggestions how the administration of the law

His writings.

[k] Ludlow, p. 316, *et seqq.* [l] Journals, July 2. [m] Ibid, Oct. 4.

may be rendered easy, expeditious and beneficial to the community at large, and is written with that generous disdain, which the writer derived from the witness in his own breast, of the vulgar notion that pleaders in the law-courts were particularly disqualified from being members of parliament and lawgivers.

Cromwel's thoughts respecting law.

Cromwel, in his conversation with Ludlow, affirmed, that the main operation of the law, as at present constituted, was to maintain the lawyers, and assist the rich in oppressing the poor. He added, that Cooke, then justice in Ireland, by proceeding in a summary and expeditious way, determined more causes in a week, than Westminster Hall in a year. Ireland, said Cromwel, is as a clean paper in that particular, and capable of being governed by such laws as shall be found most agreeable to justice: and these may be so impartially administered there, as to afford a good precedent to England itself, where, when we shall once perceive that property may be preserved at so easy and cheap a rate, we shall certainly never allow ourselves to be cheated and abused as we have been[n].

His humanity towards Ireland.

This conversation at once shews the degree in which a love of justice and public happiness prevailed in the mind of Cromwel, and agreeably illustrates how much the present conquerors of Ire-

[n] Ludlow, p. 319.

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land desired to see impartiality and equity prevail in that country, instead of directing their attention, as too often happens in such cases, to the consideration how the conquest and reduction of the people may be made the means of indiscriminate forfeitures and confiscations.—To return to the narrative of the Scottish expedition.

Contest of Charles the Second and the Scottish government.

The king proceeded from Falkland to Perth towards the end of July, and from Perth to Stirling[o]. He was brought to the army near Leith on the twenty-seventh; and on the same day a proclamation was published in his name, in which the authors laid aside all the qualifications to which they had hitherto adhered, and spoke plainly of the evil and wickedness committed in murdering the late king, and proscribed all those who, since the force put upon the parliament by the army, had sat in the English house of commons and partaken of the guilt of that act[p]. The king however himself expressed his disapprobation of another part of this proclamation, in which he was made to confess the great evil of the ways into which he had been led by wicked counsel; and his presence was found so popular among the soldiery, that the committee judged it expedient to remove him back again to Dumferling on the second of August, and from thence to Perth[q]. At

[o] Sir Edward Walker, p. 162.
[p] Ibid, p. 163, 164.
[q] Ibid, p. 165, 169.

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1650. He submits.

length, by their importunities, and urgent representations of the necessity of his compliance, they extorted from him on the sixteenth of August his concurrence to a declaration in which every thing was expressed to their heart's content. The king observes, that, though as a dutiful son, he is obliged to honour the memory of his father, and have in estimation the person of his mother, yet doth he desire to be deeply afflicted before God, for his father's opposition to the work of reformation, by which so much blood of the Lord's people had been shed in these kingdoms, and for the idolatry of his mother. He professes and declares, that he will have no enemies but the enemies of the covenant, and that he detests and abhors all popery, superstition and idolatry, together with prelacy, and all errors, heresy, schism and profaneness, and will endeavour their extirpation to the utmost of his power. He acknowledges the exceeding sinfulness of the treaty and peace made with the bloody Irish rebels, and the allowing them the liberty of the Popish religion, and declares them to be utterly null and void[r]. They compelled him to hear long sermons: Burnet tells of six that were preached before him on one fast-day without intermission. Buckingham appears to have been among the most pious and presbyterian of the crew[s].

There seems to have been a great deal of skil- Skilful manœuvring between Leslie, the Scottish general, and Cromwel.

[r] Ibid, p. 170, *et seqq.*

[s] Own Time, Book I.

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ful manœuvring between Cromwel, and David Leslie, the Scottish general. Cromwel quartered his army at Musselborough, near Edinburgh, in the last days of July. He found Leslie posted behind a strong intrenchment, which covered the metropolis, and reached from its western extremity as far as the port of Leith[t]. The whole country from the Tweed was laid waste. Accounts had been industriously spread of the barbarities the Scots might look for from the English sectaries; and in their march they found no male between sixty and six years of age, and very few women and children[u]. It was the policy of the Scots to reduce the invader to the greatest extremities, and thus to compel him to evacuate the country. Leslie, before the end of August, had an army which nearly doubled that of Cromwel, but was in no degree to be compared with it in discipline and experience. Cromwel seemed to have given into the snare that was laid for him, either because he was not prepared for such a reception, or that he trusted in his skill and resources to extricate him in the sequel.

Cromwel falls back to Dunbar.

The business of each general was to cut off the supplies of the other; and for this purpose Cromwel marched west to the foot of the Pentland hills, that he might interpose himself between Edinburgh and Stirling. Leslie counteracted this mea-

[t] Cromwelliana, p. 85. [u] Whitlocke, Aug. 5.

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sure, by a motion also to the west, but in a line farther to the north, taking care that his army should be covered by a bog which made him inaccessible to the enemy. Here Cromwel was at a disadvantage, and was obliged to march back to the sea for provisions[w]. Meanwhile Leslie had sent forward a strong party in hopes to reduce Musselborough, and thus to oblige Cromwel to retire into the south[x]. As the season advanced, and the English found it impossible to force the Scots into action, it was resolved in a general council on the twenty-ninth of August, that the army should fall back on Dunbar, and there fortify the town, which, if any thing could, it was thought would force Leslie to engage, and beside, would furnish a magazine for a constant supply of provisions, and a deposit for the reception of such recruits both of horse and foot as might be sent from Berwick[y]. Accordingly, they marched on the thirtieth from Musselborough to Haddington, and the next day from Haddington to Dunbar, while Leslie continually hung upon and annoyed their rear[z]. The Scots by this time became elated with confidence; and, believing that Cromwel was in full retreat for England, their general sent forward a considerable party to seize the pass at Copperspath, directly between Dunbar and Ber-

[w] Whitlocke, Aug. 23, 26, Sept. 6. Cromwelliana, p. 87, 88.
[x] Whitlocke, Sept. 6. [y] Cromwelliana, p. 88. [z] Ibid, p 89.

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wick; and it was given out that the English commander would soon be reduced to the same extremity as the earl of Essex had been, when his whole army surrendered to Charles the First at Lestwithiel. The forces of the Scots were computed to double the numbers of the English army[a].

Battle of Dunbar.

In this crisis Leslie abandoned the caution with which he had hitherto proceeded, and, that he might more completely cut off Cromwel in his retreat, deserted the high ground he had uniformly occupied, and came down into the plain. The English commander joyfully seized the opportunity thus afforded him, and on the second of September ordered battle to be given the next morning. He was not disappointed in his expectation. The English, the best disciplined and most resolute army that had been seen for centuries, soon displayed their superiority; and the engagement, strictly so called, did not occupy an entire hour. Three thousand men were slain in the field, and ten thousand made prisoners, with two hundred pair of colours, and their whole train of artillery; and all this was effected with the loss of about twenty men[b].

Cromwel at Edinburgh.

Shortly after the battle of Dunbar Cromwel took possession of Edinburgh and Glasgow[c]. Edinburgh Castle did not surrender till the twenty-fourth of December[d].

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[a] Ibid. [b] Ibid, p. 90. [c] Ibid, p. 92. [d] Ibid, p. 99.

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The defeat at Dunbar was by no means a source of pure regret to the king and the royalists to whom he was attached. Hitherto the ruling power had been in the hands of Argyle and the clergy; and they had exercised it with inexorable severity. They had compelled the king in public to deplore the obstinacy of his father, and the idolatry of his mother. They had removed from his person nearly all the attendants in whose society he delighted, and had substituted others who were exceedingly distasteful to him. They had bitterly tried his youthful vivacity and impatience with sermons and devotions without end. On all this he had been obliged to put a face of inflexible gravity. To crown the whole, they appointed a day of humiliation, on which Charles was publicly to profess his contrition for fourteen enormous sins by which he and his followers had brought upon themselves the divine displeasure[e]. This last disgrace he was spared by the event of the field of Dunbar.

Charles not wholly displeased with the loss of the battle.

No sooner had the party of the church been baffled and mortified by the great defeat sustained by the Scottish army, than a plot was immediately formed, in pursuance of which the king was to retire from Perth to the north of Scotland, where he was shortly to find himself at the head of an army, not less hostile to Argyle and his party, than

He withdraws himself suddenly.

[e] Walker, p. 184, 185, 186. Balfour, Vol. IV, p. 102, *et seqq.*

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to the English parliament. In execution of this project Charles withdrew himself secretly from Perth on the fourth of October, and reached that same night an obscure retreat in the Grampian hills at the distance of forty-two miles[f]. Here he was overtaken by a party sent in pursuit of him, and partly by persuasion, and partly by force, brought back to Perth. From this time however his situation was considerably mended. An indemnity was immediately voted to all persons who had engaged in the plan of insurrection; and the king was for the first time admitted to be present at and preside in the committee of estates on the tenth[g]. Preparations were also ordered to be made for the solemnity of his coronation[h].

Disaffection of the western counties of Scotland.

But, if the committee of estates thus shewed themselves ready to give way to the king and his friends, there was a part of the kingdom animated with a very different sentiment. A copious and earnest remonstrance was prepared on the part of the gentlemen, commanders and clergy of the counties of Renfrew, Air, Galloway, Wigton and Dumfries, the south-western division of Scotland, in which they blamed the manner of admitting Charles into the kingdom, questioned the propriety of adhering to him in his present dispo-

[f] Balfour, p. 112. Walker, p. 197, *et seqq.*

[g] Balfour, p. 116, 121, 125.

[h] Walker, p. 202. Balfour p. 123.

sitions, and solemnly disclaimed and protested against any design of invading the borders of England. This remonstrance is dated on the seventeenth[i].

Their leaders unite themselves to Cromwel.

The western counties were allowed to raise an army of five thousand men, which was not to be under the control of the commander in chief. The principal officers of this army were Strachan and Ker. Strachan had fought by the side of Cromwel at the battle of Preston; and, from the commencement of his present engagement, he seems to have been in correspondence with the English general. The remonstrance of the western counties appears to have been framed partly with a view to cover this new coalition. Thus circumstanced, Cromwel found it his interest to temporise, that he might not by hasty measures bring on hostilities with an enemy predisposed to favour him. His march to Glasgow was partly designed to produce an appearance as if the western army was cut off from the rest of the kingdom. Finally, on the first of December, an engagement took place between Lambert and Ker, in which Ker is said voluntarily to have suffered himself to be taken prisoner; and the next day Strachan openly joined Cromwel with a portion of his forces. The western army either followed their leaders in this manœuvre, or were immediately dissolved[k].

[i] Balfour, p. 111 to 160. Burnet, Own Time, Book I.

[k] Baillie, Vol. II, p. 349, *et seqq.*

THIRD YEAR OF THE COMMONWEALTH.

COUNCIL OF STATE,

Installed February the Seventeenth, 1651.

OLD COUNCIL.	NEW COUNCIL.
Bulstrode Whitlocke, } Keepers of	Edmund Prideaux, *Att. Gen.*
John Lisle, } the Seal.	Sir William Brereton, Bart.
Henry Rolle, Chief Justice.	Sir Thomas Widdrington, Knt.
Oliver St. John, Chief Justice.	Sir John Bourchier, Knt.
John Bradshaw, Lord President.	Sir John Trevor, Knt.
Oliver Cromwel, Lord General.	Lieut. Gen. Charles Fleetwood.
Philip Skippon, Major General.	Maj. Gen. Thomas Harrison.
Thomas Lord Grey of Groby.	Ald. Francis Allen.
Sir Arthur Haselrig, Bart.	Richard Salway.
Sir Gilbert Pickering, Bart.	Walter Strickland.
Sir William Masham, Bart.	William Say.
Sir William Armine, Bart.	John Carew.
Sir Henry Vane, Knt.	Robert Goodwin.
Sir Henry Mildmay, Knt.	William Cawley.
Sir James Harrington, Knt.	Nicholas Love.
Valentine Wauton.	Henry Darley.
William Purefoy.	Thomas Lister.
Thomas Scot.	William Lemon.
Dennis Bond.	John Fielder.
Thomas Chaloner.	George Thompson.
John Gurdon.	

CHAPTER XV.

CONSTITUTION OF THE COUNCIL OF STATE ALTERED.—REASONS OF THIS CHANGE.—COMMITTEES.—MILTON: HIS *DEFENSIO PRO POPULO ANGLICANO.*

1651. Constitution of the council of state altered.

In electing the council of state for the third year a new mode of proceeding was adopted. In the reelection of February 1650, the names of the preceding council were regularly called over, and put to the vote; and, in consequence, one having died in the interval, thirty-seven were rechosen, and three only rejected. It was felt that this was giving to the executive government too much the air of a standing council. The parliament had been of necessity, and was likely to continue for some time to come, a fixed and unvaried body. For this there were potent reasons. But there could be no such reason for making the council of state permanent. It had been decided in the beginning that this member of the government should be a body holding its office for twelve months only. One of the most essential features of a free state is rotation, and that those men who are intrusted for the public good with high and comprehensive powers, should be subjected to the

Motives of this change.

Benefits of rotation.

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purification of new and frequently repeated elections. All offices in such a state should, as far as is practicable, be thrown open to all. No man should be allowed to consider the powers he holds in trust for the nation a sinecure and an inheritance. It is good, that men qualified for office should feel that at certain stated intervals they are not unlikely to be invited to accept it. It is good, that a certain portion of fresh and unworn understanding and enterprise, not trained in the shackles of an unvaried routine, should from time to time be introduced into the national councils. It is like the introduction of new blood into the frame, which, if not practicable in the microcosm of individual man, may, if temperately employed, perhaps always be of advantage in administering the affairs of a state[a].

Opposite advantages that arise from continuing some of the same men in employment.

It was perhaps some such reasonings as these

[a] One of the most valued friends of my mature years, the late William Nicholson, held this view of human affairs and human society to be of so much importance, that he was accustomed to regard it as a proof of the excellence of the system of the universe in relation to the way in which one generation of men goes off the stage, and is succeeded by another. He said, that we are by the constitution of our nature the creatures of habit, so as inevitably for each man to become by certain degrees the enemy of novelty and bold innovation. But, in science, in art, in political institutions and in morals, human nature is susceptible of perpetual improvement. It is therefore good and desirable, that there should be a perpetual succession of youth, *ut silvæ foliis pronos mutantur in annos*, the better to adapt itself to this invaluable feature in human intellect.—The liberal reader will forgive me for intruding [Is it intruded?] this instructive record of the man I loved.

that influenced the statesmen of the commonwealth on the present occasion. They knew however that an abrupt and a total change in the administration of public affairs, could scarcely ever be good. They knew that there were some men in the old council, so valuable, so extraordinary and unparalleled in their endowments, that the interests of all would not allow them to be spared. They knew that there ought to be a certain portion of the old ingredients preserved, that so the new council might the better apprehend the right principles that had been laid down, and the sound experience that had been accumulated in the reign of their predecessors. It would be absurd to establish it as a sweeping principle, that the men who governed well in the first and second year of the commonwealth, were unfit to be trusted with the public interests in the third.

Rule that was laid down.

Influenced by all these views of the question, parliament decided on the fifth of February that the council of state for the ensuing year should consist of forty-one persons, and that only twenty-one of those who were now of the council should be allowed to be reelected [b]. The ablest and most highly endowed of the individuals who were excluded by the operation of this rule on the present occasion, was Henry Marten.

Committees of council.

We have mentioned in the beginning of the

[b] Journals.

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second year the practice which obtained of dividing the council of state into committees, each being impowered to conduct its own branch of the administration severally, without reference to the council at large. The only check upon this appears to have been that the committees were liable to be renewed every second week [c], and that therefore, at least when the period of renewal came, the council would necessarily by their vote express their approbation or otherwise of the proceedings of their committee.

Committee of law.

The committee for law, which was a new committee in the present year, consisted of Bradshaw, Whitlocke, Lisle, Rolle, St. John, Widdrington, Prideaux, Say and Love [d], all of them lawyers.

Committee for examinations.

The committee for examinations was Bradshaw, Lisle, Scot, Prideaux, sir Henry Mildmay, sir William Masham, Cawley, Carew and Gurdon [d].

Considerations on regicide.

The cause of Charles the First was the cause of all kings, and was deeply interesting to monarchs, to the innumerable train of dependents who live on the smiles of monarchs, and to all those persons in every country, who hold monarchy, absolute or mixed, to be essential to the well-being of nations, and the happiness of mankind. The friend of freedom may see cause to resist, and even to fight against the decree of a king; but, if monarchy form any part of his creed,

[c] Order Book, Feb. 18, 1650. [d] Ibid, Mar. 1, 1651.

he can scarcely in any circumstances approve the trial and capital punishment of a sovereign. In other times such a catastrophe would have put a sword in the hand of all the neighbouring sovereigns, to chastise the audacity of a people (or at least of a government), who had dared to perpetrate so nefarious a deed. Such was not the case at present. The remote and island situation of our country, the *toto divisi orbe Britanni*, led other sovereigns to hope that the example would not prove contagious. The division of European states into popish and Protestant, was of more consideration than it has since been: and it would have been difficult to form a league of sovereigns, to avenge the cause of a heretic prince, and to restore his heretic son to the throne of his fathers.

Eikon Basilike.

Still Charles the Second, and his courtiers, and his adherents at home and abroad, thought it of the greatest importance, to maintain his cause, and reprove the sacrilege that had been committed, through the medium of the press. This had been done with great success in England, by the publication of the Eikon Basilike[e].

A book against regicide extremely desired by the royalists.

But they thought something more than this due to the governments and people of other countries. The English language was little known beyond the limits of its own people. They wished to speak to the human species in general, in a lan-

[e] See above, Vol. II, p. 684.

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guage universally understood by all persons of distinction and education. The "King's Book," as it was called, spoke to the feelings of its readers, and strongly excited the sympathy, at least of all men who were lovers of kings. But the rights of monarchs and the sacredness of the person of a sovereign, constituted a great public theme, and deserved to be maintained in all the forms, and with all the severity and unassailableness of logic, that universities and a consummate literature could furnish. A declamation *against* the unheard of and inhuman insolence of subjects, who dared to take away the life of their sovereign with the forms of a legal proceeding, ought to be branded with all the copiousness of eloquence, which the sounding and impressive language in which Cicero had composed, could alone adequately furnish.

Salmasius applied to.

The little court of Charles looked round through the neighbouring nations, and with laudable judgment fixed upon a man, who ranked at that moment in the highest bench of the European learned, Claudius Salmasius[f]. This man, a republican and a presbyterian, was bought at the trivial price of a hundred jacobuses[g]. He was transported at the thought of being selected from his brethren of letters on so memorable an occasion. He sat down

[f] Sarravii Epistolæ, Mar. 12, 1650.

[g] Birch, Life of Milton, p. 34.—A coin valued at twenty-five shillings.

to compose an elaborate pleading for the cause in which he was engaged. He doubtless believed that he should successfully hold up the present government of England to universal execration, and perhaps flattered himself that, with no stronger weapon than a pen, he should be instrumental in restoring his royal client to a throne. His book, entitled *Defensio Regia pro Carolo Primo ad Carolum Secundum*, was published in the close of the year 1649[h].

His work, *Defensio Regia pro Carolo Primo.*

The rulers of England did not think this occasion unworthy of their attention. They wished, if possible, that this boasted champion of royalty should be refuted; and, as they entertained no doubt of the goodness of their cause, so they desired that it should be asserted with the majesty of a free people, and with the calm and serene confidence which was worthy of the great cause of human rights. They were anxious, as far as strength of argument and mastery of language could effect that purpose, to set themselves right in the face of Europe. For this end they cast their eyes upon Milton[i].—Milton had already published with considerable applause in the English tongue, a book, entitled Eikonoclastes, being an answer to the Eikon Basilike. His reply to Salmasius was finished in the year 1650, and

Milton employed to answer it.

His publications.

[h] Order Book of Council, Nov. 29, 1649.

[i] Ibid, Jan. 8, 1650.

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published in the early part of the present year, under the title of *Joannis Miltoni Angli pro Populo Anglicano Defensio*[j]. Its success was such as fully to answer the most sanguine expectations of the author or his patrons.

Disadvantages of Salmasius.

It was a great disadvantage to Salmasius that he had already professed himself an impassioned republican[k], and that he had written with great acrimony against the institution of prelates[l]. He was looked upon on the present occasion merely as a hired orator; and mankind have hitherto agreed to regard the person with contempt who, at least through the medium of the press, stands forth the champion of opinions and sentiments which he does not sincerely entertain.

Advantages of Milton.

Another disadvantage under which the advocate of royalty laboured on this occasion, arose out of his well established fame. *Parcere subjectis, et debellare superbos,* was the motto of the Roman people of old. But it was not peculiar to them; jealousy is a principle widely diffused among the human species; and we have all of us a secret pleasure in mortifying the haughty, and encouraging the unpractised candidate for fame. Milton, with talents equal to almost any literary undertaking, and who was destined to produce a glorious and

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[j] Order Book, Dec. 23, 1650, June 18, 1651.

[k] Laudes et Vita Salmasii à Clementio, p. 41.

[l] Ibid, p. 49.

sublime composition that shall live for ever, was hitherto unknown to the republic of the learned. His book therefore, replete with the merits of argument, eloquence, wit, and a classic diction, combined in its favour the suffrages of all competent judges.

Style of his production.

He employed against Salmasius all the weapons that controversy affords. His reasonings were impressive and acute. His learning was equal, or only inferior, to that of his adversary. He brought forward all the resources of a grammarian and a critic, and therefore often foiled, and often held up to contempt his opponent, even in his own strong hold. As a controversialist, Milton was wholly a stranger to mercy, and there was no measure in the invective that he was ready to employ against him whom, in such a cause, he was desirous to refute. The style of controversy in general in this age was acrimonious and atrocious; and Milton did not come behind any of his contemporaries in these particulars.

Queen of Sweden patronises Salmasius.

It was unlucky for Salmasius, that, soon after he had completed his work, he set out on a visit to Christina, queen of Sweden. This woman, who filled all Europe with her eccentricities, was a princess of considerable talents, learned herself, and a passionate encourager of learned men. She received Salmasius with the greatest distinction. The delicacy of his health could not endure the cold climate of Stockholm; and the queen is said

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to have spent hours with him alone by his bedside, and to have performed for him all the functions which are necessary to a valetudinarian[m]. In the midst of this intoxicating scene of royal obsequiousness Milton's book reached Stockholm. The queen read it; she devoured it; she made no secret of her exceeding admiration of the abilities of the author[n]. Officious tongues carried the displeasing news to Salmasius. The queen was too humane and considerate to reverse the treatment with which she had honoured him. He was on every account desirous to remove to another climate; and Christina dismissed him with honour[o]. He left Sweden in the autumn of this year, and died at Spa in the autumn following.

Expresses her admiration of Milton.

Death of Salmasius.

Extraordinary popularity of Milton's work.

We may form some idea of the character Milton's book obtained among foreigners from the circumstance recorded by Anthony Wood, that it was not unusual for them in their travels in this country, to visit the house and chamber in Bread Street where the author was born[p]. We may be sure that this happened during the triumph of republicanism, and not after the Restoration, when Milton was obliged to conceal himself, and to think himself happy that he could live at home in safety and obscurity.

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[m] Laudes et Vita Salmasii, p. 52.

[n] Milton, Defensio Secunda.

[o] Laudes et Vita Salmasii, p. 52.

[p] Athenæ Oxonienses, Vol. I, Fasti, p. 266.

CHAP. XV.

1651. The author loses his sight.

It gives an additional interest to Milton's celebrated work, that its completion involved him in the calamity of blindness; and that, as he himself tells us, being warned by his physicians that such would be the result, he nevertheless undertook it, resolved to follow the example of Achilles, who, when offered by his goddess-mother long life with obscurity, which if he refused, he should shortly perish before the walls of Troy, preferred glory and the service of his country, though assured of the speedy loss of life he must sustain[q].

It is proper to mention that Milton received no express pecuniary reward from the government for this work, which he undertook at their order[r].

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[q] Defensio Secunda.

[r] *Tuque scito, me illas opimitates atque opes, quas mihi exprobas, non attigisse, neque, eo nomine quo maximè accusas, obolo factum ditiorem.* Defensio Secunda.

CHAPTER XVI.

CHARLES CROWNED AT SCONE.—CROMWEL ATTACKED BY SICKNESS.—HE ENTERS PERTH.—ENGLISH PRESBYTERIANS CORRESPOND WITH THE KING.—CHRISTOPHER LOVE TRIED AND EXECUTED.—KING ADVANCES INTO ENGLAND.—BATTLE OF WORCESTER.

BOOK III.

1651. Royalists enlisted in the Scottish army.

THE termination of hostilities in the western counties of Scotland immediately put Cromwel in possession of the whole country south of the Forth. Attempts were made to recruit the army which remained for the defence of the kingdom, but with little success. It was at length found necessary to allow the royalists indiscriminately, to join, and to recruit for, the royal standard. The ceremony merely was required from them, that they should make a full acknowledgement of their past offences against the covenant, and present themselves on the stool of repentance in the face of the church. The duke of Hamilton, we are told, did penance in a very stately manner, on a table covered with black velvet, and a cushion of the same[a].

[a] Philips, Continuation of Baker's Chronicle.

CHAP. XVI.

1651. Charles crowned at Scone.

On the first of January the king was solemnly crowned at Scone, the place appropriated for that purpose by his royal ancestors, Loudon, the chancellor, taking the lead in the ceremony, and Argyle placing the crown on his head[b].

Revolution of affairs in Scotland.

But these ceremonies were no sooner completed, than the face of things seemed wholly changed. The lords personally attached to the king, and the great land-holders of the north, shewed themselves indefatigably zealous in raising forces, and his army presently began to assume a formidable appearance. Charles took a prominent part in the direction of military measures. He employed a considerable time in fortifying the banks of the Forth, visited his different garrisons, and shewed himself at the head of the army[c]. When the parliament met again on the thirteenth of March, Loudon was voted out of the chair, and Argyle was left in a minority on the most important questions[d].

Critical state of the government in England.

The third year of the commonwealth began under the most threatening appearances. The new government of England had now stood two complete and entire changes of the seasons. But it was a strange and exotic plant, that needed a combination of favourable circumstances to enable it to grow in the soil in which it was placed. The mass of the people were passive from prudence and calculation merely. They had remained in

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[b] Ibid. Baillie, p. 367, 368. Bates, Elenchus Motuum, Part II.

[c] Balfour, p. 246, 247.

[d] Ibid, 262, 275, 277.

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a quiescent state, not because they were sincerely reconciled to the administration of public affairs, but because they had no hope, in giving vent to their dissatisfaction, of arriving at a more favourable result. Now it was otherwise. Charles the Second was in Scotland. Great efforts had been made in that country to give solidity to his claims. Sixteen thousand foot and six thousand horse had been marched under his standard. They had been defeated by Cromwel. But this did not in the smallest degree dishearten his followers. On the contrary it gave them new courage and new hopes. When he landed in Scotland, he was completely under shackles to the presbyterians. They used him as their implement merely. The most opulent individuals in Scotland, and the most opulent individuals in England, were scarcely permitted to breathe their good wishes in his favour. Now two great parties, constituting a clear majority of the inhabitants of the island, were combined to support him. How long that combination would subsist was another question. They had been united by the pressure of an adversary that held both in strict subjection. And, if once that pressure were removed, there was no doubt that the points in which they differed would soon rise to view, and that they would be actuated with an animosity no less fierce towards each other, than that which now united them against their common enemy.

Charles prepares to invade England.

But this union, however evanescent, gave them

for the time unspeakable advantages. Charles and his followers had never purposed to limit the scope of their ambition to Scotland. They longed to pass the Tweed. And, when that was effected, they felt confident that the episcopalians and presbyterians of England, those who, whether from sentiment or interest, loved the king, and those who entertained a bitter sense of the wrongs imposed on them by their present rulers, would resort in multitudes, and from every side, to their standard.

Circumstances that favoured the attempt.

Never was any government placed in a condition of greater peril. The patience which had been exercised by the people till now, would convert into the most ungovernable vehemence, when they should fairly see the occasion of avenging their wrongs, and asserting their genuine sentiments. What could the small handful of their governors, the forty members of the council of state, and the hundred and fifty men that constituted their self-styled parliament, even when backed by the disciplined bands of the army, do, against the sense of a nation resolved to bear the yoke no longer? To say the least, it would require all the consummate soldiership of Cromwel, and all the lynx-eyed and indefatigable vigilance of Scot[e], to give them even a chance of escaping from such multiplied dangers.

[e] See above, p. 196.

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1651. Precautions.

One of the first steps taken by the council of state was to disperse five distinguished prisoners, who had for two years been confined in Windsor Castle, sir William Waller, sir William Lewis, sir John Clotworthy, major-general Richard Browne, and commissary-general Copley, to different and more distant places of restraint[f].

Sickness of Cromwel.

A further circumstance contributed in no small degree to increase their perplexity. Cromwel was seized with a severe illness, the consequence of his continual exertions and fatigues, which appears to have hung upon him during the months of February, March, April and May[g]. The council of state sent down two physicians of the highest professional character, Wright and Bates, to attend him[h]. The period for action was now rapidly advancing; and it was no small calamity at such a time to be deprived of the services of a man, who had contributed more than any other to the founding the commonwealth, who at this period had the entire confidence of all his fellow-labourers in the government, and who, in a generation of eminent soldiers, had clearly the ad-

[f] Order Book of Council, Mar. 11. Four of these persons had been among the eleven members impeached by the army in June 1647. It is matter of some curiosity to mention, that six of the eleven survived to the Restoration, Hollis, Glyn, Massey, sir William Waller, sir William Lewis, and colonel Edward Harley.

[g] Whitlocke, Feb. 17, Mar. 10, May 26, 27.

[h] Several Proceedings, No. 89.

vantage of them all in the ascendancy of his genius, the abundance of his resources, and the unparalleled arts of a consummate discipline. The parliament, with its customary magnanimity, came to a vote on the twenty-seventh of May, that, in regard of the lord general's relapse, and the nature and sharpness of the air where he is, he be desired to remove to some part of England, until by the blessing of God, he may be enabled to resume the duties of his command, and that in the mean time he be requested to dispose of the conduct of affairs there into such hands as he shall think fit[i]. He was however fortunately able to return an answer to the letter in which this vote was communicated to him, informing the council of the rapid advance of his recovery, and that he did not doubt the being yet able to meet the demands of the station in which God had placed him[k].

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In the course of the month of June Cromwel took the field against the supporters of Charles the Second, who was now at the head of an army of twenty thousand men[l]. On the thirty-first of March the king at the request of the parliament of Scotland took on him the command[m]; and he appointed David Leslie for his lieutenant-general, and Middleton, who afterwards distinguished him-

He takes the field.

[i] Journals.
[k] Several Proceedings, No. 89.
[l] Whitlocke, July 11.
[m] Balfour, p. 281.

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self in the Scottish wars, general of the horse[n]. Massey had also a considerable command[o]. These last were decidedly royalists. The face of the war therefore was changed; the presbyterians were out of power; and the object of the present campaign may be said to have been to restore Charles the Second to the royalties of his father. The chief commanders under Cromwel were Lambert, Fleetwood, Dean, Harrison and Overton.

Advances in the rear of the Scots.

The Scottish army lay encamped at Torwood near Stirling, having their front defended by the fortifications the king had lately erected, and by various bogs and natural difficulties which covered them from the enemy. Cromwel tried by all means to force them to a battle[p]. Among other expedients, he brought his artillery to play on Calendar House under their immediate eye, which they suffered him to storm on the fifteenth of July, without attempting any thing for its relief. Finding the impracticability of bringing them into action, he next detached Overton with a considerable body, and immediately after Lambert, across the Forth into Fife, to take them in their

[n] Clarendon, Vol. III, p. 395. Bates (Elenchus Motuum) and Echard, and after them Laing and Brodie, and as it should seem Hume, represent the duke of Hamilton (late earl of Lanerick) as being second in command in the king's army. No one who has looked into Burnet's Memoirs of Hamilton, can for a moment imagine that to have been the case.

[o] Clarendon, p. 399. [p] Cromwelliana, p. 104, 105.

rear, and cut off their supplies. An action ensued, in which Lambert defeated a considerable party of the Scots[q]. Encouraged by this success, Cromwel passed over with his whole army, and on the second of August possessed himself of Perth, the second town in consideration in Scotland[r].

Projects of Charles.

It was the fortune of Charles the Second, in the early stages of the present war, to regard all the reverses that befel him, as advantages in disguise. The defeat of Dunbar had put an end to the exclusive and intolerable tyranny which the church-party in Scotland had exercised over him; and the present event still further diminished the ascendancy of its leaders. The march of Cromwel to Perth, while the Scottish army was encamped near Stirling, seemed, to the eager eyes of the exiled monarch, to throw open to him at once the entrance into his favourite and metropolitan dominion of England. This march was the object of all his ambition.

His anticipations.

He figured to himself the people of the southern state, when once delivered from the iron yoke of their present rulers, who were bent upon dragooning them into a Lacedæmonian severity, which they abhorred, and felt to be incompatible with their cheerful, warm-hearted and companionable spirits, as rejoicing like a prisoner delivered from his dungeon, and a slave from his chains, and

[q] Cromwelliana, p. 106. Balfour, p. 313.

[r] Balfour, p. 313, 314.

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trying their limbs, which had been so long held under unnatural restraint, in the gambols and energies that youth and health, and an elastic temperament of body and mind, never fail to suggest. He believed that the different counties from the east and the west and the south, as they heard of his advancing, would pour out their multitudes to welcome him, and contribute their muscle, and their strength, and their love, to give success to his cause.

Projects of Cromwel.

Such were the views of Charles and his followers. But the ideas of Cromwel were of a different cast. It was his project to drive the royal army from its fastnesses, and from the ever new reinforcements of the rugged highlanders; and he believed that, when once he had inclosed them in the plains of England, he could destroy them at his pleasure. He trusted to the celerity of his motions, and the skill of his manœuvres, and to the admirable system of intelligence which was arranged and acted upon by the council of state.

Conspiracies in England.

The clergy of London and their adherents were for the most part averse to the present rulers. They had held correspondence with the king in Holland for the purpose of overturning the present government; and Charles had requested their interference at Breda to moderate the rigour of the Scots' demands[s]. The correspondence, thus

[s] Neal, Book IV, Chap. ii.

begun, had gone on during the whole of the king's residence in Scotland. But scarcely any thread of these devices had escaped the vigilance of the council. That portion of the nobility who were permitted by the lenity of government to retain their native seats, were aware of this, and for the most part held themselves aloof from the cabals that were at work. The name of the duke of Richmond only occurs among the informations given on the subject[t]. 1651.

Insurrection in Norfolk.

An insurrection in favour of the king, occasioned by the receipt of certain commissions issued by him for that purpose, broke out prematurely in the county of Norfolk about the first of the preceding December, but was the same day suppressed by colonel Rich[u]. It was found expedient to erect a high court of justice, to sit at Norwich for the trial of the prisoners[w], it being evident that a jury could not be obtained in the county to convict them[x]. Judge Jermyn was appointed president, with Puliston and Warburton, two other judges, and about forty gentlemen, for his assessors[y]. Six persons were convicted by this court on the first day of their sitting[z], and eighteen afterwards[a], of whom four received their

[t] Journals, May 28.

[u] Milton, State Papers, p. 33. Journals, Dec. 3.

[w] Journals, Dec. 10. [x] Milton, State Papers, p. 34.

[y] Journals, Dec. 10. Milton, State Papers, p. 37.

[z] Milton, *ubi supra*. Whitlocke, Dec. 24.

[a] Whitlocke, Jan. 6. Heath, p. 278.

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pardon from the parliament[b]. The rest were executed.

1651. Trial of Christopher Love.

A discovery was made early in the present year of the cabals that had been going on, and the correspondences that had been organised; and on the seventh of May several leading men among the clergy were taken into custody[c]. Of these Christopher Love was selected by the council of state to take his trial for treason. He was a young man, thirty-three years of age, and had entered into the conspiracy with all the zeal and fervour of a person who considered the welfare of his country as depending on its success. He was arraigned on the twentieth of June; the celebrated Matthew Hale was his counsel; and, after a trial of six days, he received sentence to be beheaded[d]. He appears to have been a man much valued among the presbyterian clergy; and of course the expected death of an eminent and popular member of the church-establishment by the hands of the executioner, was attended with no small sensation. Upon various petitions being presented in his favour, the parliament respited him for a month. There were several divisions on this question; and Vane was uniformly against the legislature interfering with the course of justice[e]. At length, on the twenty-second of August,

[b] Journals, Jan. 17.

[c] Athenæ Oxonienses, Vol. II, p. 136. Heath, p. 290. Bates, Part II.

[d] Cobbet, State-Trials. [e] Journals, July 9, 11, 15.

the very day on which the royal army entered the city of Worcester, Love, together with one Gibbons, a layman, implicated in the same conspiracy, was beheaded on Tower Hill[f]. 1651.

Defence of the presbyterians.

A great outcry has been raised against the presbyterians for their supposed inconsistency, in first having been the authors of the civil war against Charles the First, and then disclaiming with vehemence the measure of bringing him to trial, and putting him to death on the scaffold. This outcry was first raised by the pure royalists, advocates of passive obedience, and afterwards adopted by the republicans, and even by Milton. He says[g], "To fight against the king's person, and, no less, a party of his lords and commons, was held by them, when they were in power, just and lawful. Have they not levied all these wars against him, and given commission to slay, where they knew his person could not be exempt from danger? And, if chance had not saved him, how often had they killed him, directing their artillery, without

[f] Whitlocke. T. M., the worthy continuator of Clement Walker, says (History of Independency, Part IV, p. 17), that Love suffered "at the earnest suit of Cromwel, protesting that he would not march into Scotland [*which he did in July* 1650], unless this point were granted him." Echard and Kennet both affirm, that Cromwel was applied to for deciding the fate of Love, that he returned an answer approving of his banishment, which was intercepted by the cavaliers, and that, the council hearing nothing from the general, Love was in consequence executed.

[g] Tenure of Kings and Magistrates.

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blame or prohibition, to the very place where they saw him stand? Have they not hunted and pursued him round about the kingdom with sword and fire?"

Their principles.

But in all this there is no inconsistency. They had a right, if they pleased, and were bound, if such was the conviction of their understanding, to be the advocates of rational liberty and a mixed monarchy. It is absurd to suppose, that every one who holds that the first magistrate may on certain occasions be resisted, is therefore obliged to maintain that he is liable to be arraigned before a penal tribunal. The presbyterians were enemies to the persecutions exercised by the bishops, to the arbitrary and cruel sentences of the court of star-chamber, and to the disuse of parliaments. They fought for liberty, such as they understood it. They conceived that the incroachments of the king and his ministers, and the resolution he discovered rather to disperse the present legislature by arms, than sincerely abandon his incroachments, were a justifiable cause of war, nay, rendered it an imperious duty. To engage in war, necessarily involved the consequences which Milton enumerates. They did not shrink from these consequences. They knew, that a war carried on by a nation against its hereditary first magistrate for the assertion of its privileges, could not be satisfactorily terminated but by a contract binding him by sufficient securities from their renewed

violation. They knew, that he might refuse this contract. In that case they were prepared for the painful alternative of imprisoning him for life, and bestowing the crown upon one of his sons. But they never for a moment departed from their predilection for a government by king, lords and commons. In all this they did not swerve from the genuine principles of liberty. Let the advocates of absolute monarchy condemn them for the audaciousness of thinking to confine the king by a contract with his people and limitations to be put on his authority, and the profaneness of contemplating his possible deposition; for in this the advocates of absolute monarchy reason agreeably to their principles. But it is not fair in the adherents of republicanism to blame them for thus conducting themselves, and anticipating these consequences.

Error committed by them.

The fault of the presbyterians was, that, while they sought superiority and establishment for themselves, they were disposed rigorously to deny all toleration to those who conscientiously differed from them in religious opinions. This appears to the liberal apprehension of modern times an enormous error. Add to which, when now, at a remote period, we read the history of two great parties in a state, the one struggling for, and the other against religious liberty, he must have a mind strangely constituted who would take part with the latter against the former. Also, if mon-

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archy under any limitation is a mode of government to be deprecated, and if the English were at this time sufficiently ripe for a purer and more manly form of administration, then those who opposed the republicans are worthy of censure. But both these propositions are of so doubtful evidence, that the presbyterians will at least come off with a very slight censure on this head. The speculative political questions at issue between the two parties that fought against the king were, whether his life might be taken away in the way of trial? and whether the kingly office might be abolished? To which we may add the practical one, whether these things behoved now to be done?

March of the Scottish army.

Charles the Second broke up his camp in the neighbourhood of Stirling on the last day of July. Argyle alone had opposed this measure, alleging that it would be a dishonourable act to carry away the army, and thus expose the Scots, who had been the first to receive their sovereign with open arms, naked to the resentment of the foe[h]. It was the business of Charles's officers to push forward as rapidly as the circumstances of the case would admit.

It receives no reinforcements.

His march however was attended with no such circumstances as he and his friends had fondly anticipated. The inhabitants of the counties through which he passed, and of the counties the

[h] Clarendon, Vol. III, p. 397.

borders of which he was approaching, looked on with a sort of breathless astonishment, at the scene which was about to be acted among them. For thirty-two months the commonwealth-government had guided the helm of the state; and scarcely any one had ventured to utter a murmur against them. The rash and violent attempts of Lilburne had only tended to confirm their authority. The late insurrection in Norfolk had been instantly quelled, and succeeded with exemplary punishment. The eminence of the talents of those who ruled was every where acknowledged; the steadiness of their proceedings excited admiration; the clemency and moderation with which they acted, if it did not win the love, yet obtained for them the involuntary respect, of their enemies. In the front of this system was Cromwel, a man of consummate military greatness, that greatness which is surest to excite the homage of the multitude, a man of such genius in state-affairs, as has rarely been equalled, perhaps never surpassed, in the annals of the world. His temper was of that sort which produces the most impressive effect in human society. No proposition, however appalling, could deter him. He, and he alone, had no doubt first conceived the design of bringing the king to the block. His campaign in Ireland had been terrible: the military execution that followed upon the towns he had stormed, is fearful to read of, and

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fearful to recollect; and thus he reduced Ireland to subjection. And yet this man was acknowledged to be habitually of the kindliest dispositions, of the most liberal character, the most averse to every species of needless severity.

Cromwel reinforced on all sides.

In a word, whatever were the dispositions and secret wishes of the people of England, they stood by, the passive spectators of this great contest. They were first passive: no one joined the army of Charles: he marched through the heart of his native country, from Carlisle to Worcester, as if he had been a foreign invader just landed from his transports, in whose success none of the natives took the smallest interest. Presently the tide was changed. It was apparent, that, as no one joined him, success to his expedition was out of the question. And then the consideration was, how the interruption could be most speedily removed, and how the people in the different counties could most shew their loyalty to their governors.

Progress of the royal army.

The king broke up his camp in the neighbourhood of Stirling on the last day of July; and he entered Carlisle with his army on the sixth of August. From Carlisle he proceeded to Penrith, from Penrith to Kendal, from Kendal, avoiding Lancaster, to Preston, and from Preston to Warrington. Here, we are told, Charles appeared in a considerable degree cast down, that his subjects

came in to him no faster, and that his numbers had rather diminished, than been increased during his march[i].

Measures of Cromwel.

Cromwel no sooner received information of the king's design, than he wrote away to the parliament on the fourth of August, from Leith, to prevent their conceiving any surprise from what had happened, or might still further occur. He told them that the present situation was necessary to prevent another winter's war in that remote climate, where the Scots had greatly the advantage of the English in encountering the hardships that were to be endured. With respect to the progress of Charles he had taken suitable precautions, Harrison and Rich being stationed in the north of England for the defence of those parts, and to prevent the enemy from spreading themselves and committing depredations. Lambert he had sent forward with a considerable portion of his horse to infest Charles's rear; while he himself with the rest of the horse, and nine regiments of foot was advancing southward with all practicable speed. He had at the same time left Monk with a sufficient force to occupy Scotland in its present dismantled state[k]. In the mean while Fairfax, true to his principles, shewed himself in Yorkshire at the head of a large body of recruits, and, in an

[i] Several Proceedings, No. 99, Aug. 21.

[k] Ibid, No. 98, Aug. 14.

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interview with Cromwel, offered to render every service in his power. Two thousand men out of Staffordshire, and four thousand out of Lancashire and Cheshire, presently swelled the forces under Lambert and Harrison[l].

Contest at Warrington Bridge.

The first appearance of contest was at the bridge over the Mersey at Warrington on the sixteenth. Lambert, with Harrison under him, had made the utmost diligence to reach this point before the arrival of the enemy, and had succeeded. His orders were, if possible, to stop the march of the invader, but by no means to engage in battle. Lambert had with him nine thousand horse, exclusively of the recruits in foot, which had joined him from the neighbouring country. Though however he had the start of the enemy, it was by so little, that he had not time to destroy the bridge, and he immediately saw that, if Charles were determined, it would only be in his power to annoy the invader, but not to stop his march. Accordingly, after having two or three times given the charge, Lambert drew off his forces, and placed them in order of battle at Knutsford Heath[m].

The king left Knutsford on his left, and Shrewsbury on his right, and pushed on directly to the south, sending however, as he passed, a summons to the governor of Shrewsbury, which was refused[n].

Massey precedes the royal army.

From Carlisle the king sent forward Massey

[l] Ibid. [m] Several Proceedings, No. 99. [n] Ibid, No. 100.

with a body of troops, to rouse the royalists of England, and gather them to his standard. Massey had been a presbyterian, and had gained a considerable name by his defence of Gloucester against Charles the First, but had now reconciled himself to the most decided royalists. He was reported to have connections of great importance in the county of Lancaster. But he had no sooner advanced, than the committee of the general assembly in Scotland, who attended the march of the royal army, sent a declaration after him, which they required him to publish, signifying the determined adherence of the king and his followers to the covenant, and forbidding the admission of any into his troops, who did not first subscribe that instrument. Charles no sooner heard of this declaration, which was sent off without his knowledge, than he wrote to Massey, directing him to suppress it, and commanding him to receive all persons indiscriminately with the utmost encouragement, who shewed themselves willing to fight in his cause. This letter was intercepted, and, being immediately made public, shewed to the presbyterians the duplicity of the king[o].

Misunderstandings of the royalists and the Scots.

Before Charles set out on his expedition into England, he sent an express to the earl of Derby,

Earl of Derby prepares to join the king.

[o] Whitlocke, Aug. 22. Clarendon, p. 400. Journals, Aug. 22. The letter itself is to be found in Tracts, Gift of Geo. III, Vol. 506. Tract 19.

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requiring that he should join him on his march[p]. This nobleman had been ever faithful to the royal cause: and, when England became the undisputed prey of the foe, he had retired into the isle of Man, which he possessed in a sort of sovereignty. About the same time that he received the summons of the invader, Cromwel also endeavoured to allure him from his strong hold; but he returned an indignant answer, worthy of the purest days of chivalry, of a person, who regarded loyalty to his prince as the first of virtues, and the smallest deviation from that principle as a stain never to be effaced[q].

Draws together recruits from Lancashire and Cheshire.

The earl of Derby, with sixty followers, principally officers and gentlemen, joined the king the day after the affair of Warrington Bridge. He was immediately detached from the main body of the army, and left behind to collect recruits in the counties of Lancashire and Cheshire. He found these districts to a considerable degree unoccupied by the government; they abounded in Catholics; and the presbyterians were eager to second his exertions[r]. He had scarcely however begun his levies, when colonel Robert Lilburne was ordered off by Cromwel, with his regiment of horse, and a few companies of foot, to interrupt him. Derby

Is defeated at Wigan.

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[p] Clarendon, Vol. III, p. 397.

[q] Collins, Peerage; art. Earl of Derby.

[r] Several Proceedings, No. 101.

had already mustered a body of fourteen or fifteen hundred men, and was proceeding for Manchester, where Cromwel's foot regiment was quartered, which he hoped to surprise. Lilburne's purpose was to decline fighting, but at all events to counteract Derby's designs, whether in collecting additional recruits, or attacking the party at Manchester. They met at Wigan. Derby, relying on his superiority in foot, and the narrowness of the neighbouring inclosures, began the attack; but he was received with such spirit and constancy by his adversary, that the contest terminated in his entire defeat; lord Widdrington and several distinguished officers fell in the field; and Derby, with thirty followers only, made his way through the enemy, and once more joined the king at Worcester. This happened on the twenty-fifth of August[s].

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Charles the Second at Worcester.

The summons addressed to the governor of Shrewsbury had no sooner been refused, than the king, whose hopes depended on the speediness of his march, proceeded immediately for Worcester, one hundred and fifteen miles from London. Here it was debated whether he should go forward for the capital; but the desperateness of the undertaking, and the small numbers that had joined them on the march, dissuaded this; and both officers and soldiers expressed great unwillingness

[s] Ibid.

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to quit their present quarters, at least till they had been thoroughly refreshed. And to this Charles was obliged to consent. Here he found a friendly reception; and at Worcester, as well as at all the considerable towns through which he passed, he was proclaimed king of Great Britain, France and Ireland[t]. The few troops that were in the town withdrew at his approach[u].

March of Cromwel.

Cromwel commenced his march three or four days later than the king, and took his route by York, resolved either by his own expedition, or the judicious diversions of the officers he had sent with detachments, finally to place himself between the royal army and the metropolis. He reached Doncaster on the twentieth, and entered Nottingham on the twenty-second[w]. From thence he proceeded to Coventry, to Stratford upon Avon, and to Evesham[x]; the latter place being fifteen miles to the south-east of Worcester.

Disadvantages of the position of the king's army.

Cromwel had now to do with an enemy, fatigued, worn out, and discouraged, in the heart of England. He had thirty thousand men under his command; the enemy scarcely exceeded half his numbers. The first thing he resolved on, was, like the spider with the fly, to weave a web round his prey, that he might have no chance to escape. The king, or rather David Leslie, had chosen

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[t] Clarendon, p. 401, 402.
[u] Several Proceedings, No. 100.
[w] Cromwelliana, p. 109.
[x] Ibid, p. 110.

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Worcester for his post, on account of the many advantages of its situation. It was covered on one side by the commanding stream of the Severn, having Wales to the west of the river, from whence he expected large recruits to his army; and he could not be hemmed in, unless Cromwel had a considerable force on both sides of the Severn, in which case the royal commander might chuse on which bank he would encounter the foe, while the opponent could not without difficulty and delay bring over his western forces to succour those on the eastern side, or the contrary [y].

Its advantages.

Cromwel came before Worcester on the twenty-eighth of August. The first thing he did was to detach Lambert to secure the bridge at Upton on that very day. The bridge was nearly broken down; but, partly by the aid of what remained, and partly by fording and swimming the river with his horse, Lambert attained the opposite bank upon which the town is built. This post was defended by Massey, who met the attack with great gallantry; but he received a desperate wound, and his whole party was defeated. Lambert then repaired the bridge, so as to effect a free and unmolested intercourse between one bank of the Severn and the other [z].

Lambert defeats Massey, and secures the pass at Upton.

Cromwel at length shut in the royal army, so

[y] Clarendon, p. 402, 403.

[z] Cromwelliana, p. 111, 112. Whitlocke, Sept. 1.

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1651. Charles proposes to retire with his cavalry.

as to make it impossible for them to escape. In this situation the king is said to have conceived the plan, which Hamilton attempted at Warrington three years before[a], to march away with his horse, and proceed towards Scotland. But, at the first intimation of the design, the infantry began to mutiny, and protested that the cavalry should not desert them, but that, if they must suffer, they should all fare alike[b].

Intellectual predominance of the government and Cromwel.

Here Cromwel was compelled to a choice of measures. He might remain fixed and immoveable; and then the enemy would probably at last surrender at discretion. Or he might take advantage of the superiority of his numbers, and make short work of it. To understand the policy of the present rulers of England, whether civil or military, we must never lose sight of the circumstance, that they were a minority of the nation governing against the will and predilections of the majority. This places in a striking point of view the ability of the governors, and the deep awe and involuntary respect with which they had inspired the governed. The episcopalians, the presbyterians, the adherents to the ancient constitution, and the reformers after the model of Scotland and of the Protestant churches abroad, were to a man anxious for the success of Charles.

Measures which their position imposed on them.

All these considerations produced a singular

[a] See Vol. II, p. 570.

[b] Cromwelliana, *ubi supra*.

situation. The rulers, both civil and military, felt themselves called on to do that, which should best maintain and increase their authority with the people. Wary measures, and such as on ordinary occasions would be called safe, were unadvisable at present. It was necessary they should astonish, and impress the people with admiration of their proceedings. The nation must be made to feel that those who required their obedience were of a different stamp from themselves, that they were born to rule, as the others were framed to submit.

Bridges thrown by Cromwel over the Severn and the Team.

It was in pursuance of this view of things that Cromwel shaped his conduct. On the third of September, Fleetwood, his lieutenant-general, by his command marched from Upton towards Worcester. At the same time a bridge of boats was begun to be constructed by the republicans from the city-side of the Severn about half-a-mile below the town, while Fleetwood framed a similar bridge over the Team, about pistol-shot from the other. At first the royalists appeared to take no notice; but at length they pushed forward a body both of horse and foot to oppose Fleetwood's passage. Cromwel immediately proceeded with two or three regiments over the river to his assistance. The engagement began at Powick; the royalists fought under cover of the hedges, which were plentiful on that side; but they were driven from hedge to hedge, till they were beaten into the city. The

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contention on the west side of the Severn was hot and obstinate[c].

1651. Royalists driven back to the city.

The royalists however no sooner found themselves sheltered by the walls of the city, than they began afresh to reflect on their situation. They had lost the chief part of the advantages, for the sake of which Worcester had been chosen as their position; and now, pressed in on every side, they felt their situation more desperate than ever. They believed that Cromwel and the choicest part of his army were at present on the west side of the Severn; and it seemed that no so favourable opportunity could ever again occur for defeating and putting to route that part of his forces which remained on the east side. They accordingly drew out the utmost force they were able for this last effort.

Battle on the east of the Severn.

The contention on the east side lasted three hours. The dispute was long, and near at hand, and often at push of pike. Cromwel says in his dispatches, "this has been a very glorious mercy, and as stiff a contest for four or five hours [including the battle on both sides of the river] as I have ever seen[d]." The foot, as well as the horse, did gallant service, and followed the enemy boldly to the very mouths of their cannon. Finally, they possessed themselves of Fort Royal and all their intrenchments, and drove them back into the town.

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[c] Cromwelliana, p. 112, 113, 114. [d] Ibid, p. 113.

Here Cromwel exposed himself to the greatest dangers, from the hope to prevail on colonel Drummond, who with fifteen hundred men defended the fort, to surrender. But his summons was refused; the fort stormed; and the whole garrison put to the sword[e]. The victors entered Worcester with the vanquished; and the latter had immediate recourse to a farther flight. The king himself was not present in the battle, being told that there would be no fight that day; but, when he was informed that his troops were running away in great disorder, he mounted his horse, and endeavoured to rally the cavalry, though without success[f]. 1651.

Royalists wholly defeated.

There were killed of the invaders in the field three thousand, and ten thousand were made prisoners. In all there escaped not more than three thousand horse, and of these not one thousand together. Not more than two hundred fell of Cromwel's army[g]. The earls of Derby and Lauderdale were made prisoners by colonel Lilburne near Newport in Shropshire[h]. There were beside among the distinguished prisoners, the earls of Cleveland and Shrewsbury, and of the Scottish nobility the duke of Hamilton, the earls

[e] Perfect Politician, p. 159. Elenchus Motuum, Part II.

[f] This is Clarendon's account, Vol. III, p. 408. Bates and Echard represent him as enacting prodigies of valour in the battle, and having his horse twice shot under him.

[g] Cromwelliana, p. 115. [h] Ibid. Echard.

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of Rothes, Carnwath and Kelly, viscount Kenmure, and lords Sinclair, and Spynie[i], together with David Leslie, general of the army, and Massey and Middleton, eminent commanders[k]. A very few of the army ever found their way back to Scotland. The country rose against the fugitives, and did summary execution upon their scattered numbers[l].

Parliament votes rewards to its officers.

On the ninth and eleventh of September it was voted in parliament, that an estate in land in England of the yearly value of four thousand pounds should be given to Cromwel, of the yearly value of two thousand pounds to Ireton, of one thousand in Scotland to Lambert, of five hundred each to Monk and Whalley, and of three hundred to Okey[m]. An estate of five hundred *per annum* was next year voted to Harrison[n]. Fleetwood, lieutenant-general, merely received the thanks of the house for his great services[o]. Ludlow says, that the four thousand a year to Cromwel, which was in addition to the two thousand five hundred *per annum* formerly granted, were given merely to bind him by every possible means to the performance of his duty, or leave him without excuse if he should depart from it[p]. It was also voted, the very

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[i] Cromwelliana, p. 115. Echard.
[k] Whitlocke, Sept. 9, 13. Echard.
[l] Whitlocke, Sept. 8.
[m] Journals,
[n] Ibid, Apr. 23, 1652.
[o] Journals, Sept. 16.
[p] Vol. I, p. 371.

day after the news of the battle, that Hampton Court should be fitted up as a present residence for Cromwel upon his arrival[q].

Fate of the prisoners.

On the eleventh of September the parliament, at the recommendation of the council of state, named nine persons, concerned in the late invasion, as fit to be brought to trial, and made an example of justice: the duke of Hamilton, the earls of Derby, Lauderdale and Cleveland, sir Timothy Fetherstonhaugh, general Massey, captain Benbow, and the mayor and sheriff of Worcester[r]. Of these, Derby, Fetherstonhaugh and Benbow were tried at Chester in October by a court-martial on the act made on the twelfth of August preceding prohibiting correspondence with the king, and sentenced, the two former to be beheaded, and the latter to be shot[s]. The duke of Hamilton died of his wounds on the twelfth of September[t]. Massey and general Middleton escaped from the Tower, and got over to France[u]. Lauderdale was kept in prison till the Restoration[w]; the earl of Rothes was not liberated before the year 1655[w]; and the earl of Kelly, viscount Kenmure, and the lords Spynie and Sinclair were named among the exceptions in Cromwel's act of oblivion for Scotland

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[q] Journals, Sept. 6. [r] Journals. [s] Heath, p. 302, 303.
[t] Burnet, Memoirs of Hamilton, p. 432.
[u] Clarendon, Vol. III, p. 447.
[w] Douglas, Peerage of Scotland, 1813.

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in 1654[x]. The earl of Kelly was permitted to go to the continent[y]. Why the few above named were selected as objects of severity, as the trials were never published, it is scarcely possible to pronounce. It is certain there was on the whole a great spirit of clemency displayed, in the limits the government thought proper to prescribe to itself on the occasion. Of the common soldiers taken prisoners, the greater part were sent to the plantations, and fifteen hundred were granted to the Guinea merchants, and employed to work in the mines of Africa[z].

Escape of the king.

The king was among the fugitives from the battle of Worcester; and, after wandering about for six weeks, in various disguises, and amidst a series of surprising adventures, he escaped to the continent.

Reward offered for his apprehension.

One week after the battle, the parliament set forth a proclamation, offering a reward of one thousand pounds for his apprehension[a].

Sentiments of the government respecting him.

What did they really desire? Whatever were their wishes, they could not well omit a measure of this sort. They were probably best pleased with his escape. After the two great battles of Dunbar and Worcester, it was not likely that he could soon again become formidable to them. The commonwealth of England every day acquired new weight and character; and the powers of Europe would

[x] Scobel. [y] Douglas.

[z] Clarendon, p. 411. Parliamentary History, Vol. XX, p. 72, 73.

[a] Journals, Sept. 9, 10.

have little inclination to irritate them by espousing the interests of the exiled family. If Charles were cut off, there remained the duke of York, his brother; and neither of these was at this time more formidable than the other. The government we may be sure would not be disposed to repeat the spectacle of regicide; and the worst therefore they could do was to shut Charles up in perpetual imprisonment.

Deputation to wait upon Cromwel.

On the sixth of September four members of parliament, being Whitlocke and Lisle, two of the keepers of the seal, chief justice St. John, and sir Gilbert Pickering, were appointed to wait on Cromwel, to return him the acknowledgments of the house[b]. Their instructions were to thank him for his great and unwearied labours in the service of the commonwealth, and to represent to him, that, since by the blessing of God the enemy was so totally defeated, and the state of affairs such as might well dispense with his further service in the field, the parliament requested him to take such rest and repose as might be most conducive to the better settlement of his health; and for that purpose to chuse a residence within some few miles of Westminster, by which means they might have the benefit of his presence and advice in the great and important business of the further settlement of the commonwealth[c].

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[b] Journals. [c] Ibid, Sept. 7.

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Their meeting.

The commissioners met Cromwel on the eleventh a few miles beyond Aylesbury, to which place they returned with him, and spent the night[d]. They had much discourse with him, and St. John more than all the rest[e]. Cromwel gave to each of the commissioners a horse and two Scots prisoners for a present. Whitlocke says, that his horse was a very handsome, gallant young nag of good breed, and one of his prisoners a gentleman of quality. To both prisoners he gave their liberty, and passes to return to Scotland[e].

Cromwel enters London in triumph.

The next day they came to town together, being met in the fields by the speaker with many members of parliament, the president of council, the lord mayor and aldermen, and many thousand persons of a certain quality and rank. Cromwel carried himself with great affableness and seeming humility, and in all his discourses about the battle seldom mentioned any thing respecting himself, but spoke of the gallantry of his officers and soldiers, and gave the glory to God[f]. The sixteenth was the day of his public reception in parliament.

Cromwel chancellor of the university of Oxford.

In winding up the transactions of the present year in England, we must not omit the election of Cromwel to the office of chancellor of the uni-

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[d] Whitlocke. "Mr. Winwood's hawks met us and the general, and many officers went a little out of the way a hawking."

[e] Whitlocke, Sept. 11. [f] Whitlocke.

versity of Oxford, which took place in January, the appointment having remained vacant about one year, from the death of the earl of Pembroke, the late chancellor[g]. Cromwel was at that time in Scotland; and the distinction was conferred on him immediately previous to his long and lingering sickness in the early part of this year. In the month of November, the earl of Manchester having declined to take the engagement to be true and faithful to the commonwealth of England, as now established without king or house of lords, he was deprived of the office of chancellor of the university of Cambridge, and chief justice St. John was elected in his room[h].

St. John chancellor of the university of Cambridge.

The twenty-fourth of October was the day appointed for the public thanksgiving for the battle of Worcester; and Owen and Goodwin were named to preach before the parliament on the occasion[i]. On the twenty-fourth of September the funeral of Popham, one of the three generals at sea, who had died on the nineteenth of August, took place at Westminster Abbey, and was attended by the speaker, the general, the council of state, and most of the members of parliament[k].

Day of thanksgiving.

Funeral of Popham.

In the month of October a force was sent out for the reduction of the islands of Jersey, Guern-

Foreign settlements reduced.

[g] Athenæ Oxonienses, Vol. II, Fasti, p. 92.

[h] Carter, History of the University of Cambridge, p. 407.

[i] Journals, Sept. 6, 19.

[k] Ibid, Sept. 16. Whitlocke, Sept. 24. Heath, p. 303.

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sey, and Man, which was with no great difficulty effected[l]. Barbadoes was at this time the richest of our West India possessions, and was governed by lord Willoughby of Parham, formerly a zealous presbyterian, but now a royalist. Sir George Ayscough was sent out early in autumn for the reduction of the place; and, arriving in October, his first exploit was the capture of fourteen Dutch merchantmen, which he found in the harbour. The islanders, being in disobedience to the government at home, had no way of exporting their produce, but through the instrumentality of these vessels. The island itself surrendered about the beginning of January[m]. Virginia was in a similar situation. It had become a chosen retreat for expatriated royalists. The settlers had turned their whole attention to the improving their plantations, without so much as constructing a fort for their defence. The governor appointed by the parliament no sooner appeared among them, than they shewed themselves forward to admit him upon easy and advantageous conditions[n]. New England had always been upon terms of the best understanding with the now triumphant party of the independents.

[l] Journals, Oct. 30, Nov. 6, Jan. 2, 1652.

[m] Journals, Feb. 17, Apr. 23. Clarendon, p. 466. Whitlocke, Feb. 16, Mar. 15. Heath, p. 306, 307.

[n] Journals, Aug. 31, 1652. Clarendon, p. 466, 467.

CHAPTER XVII.

IRETON LORD DEPUTY OF IRELAND.—SIEGE OF LIMERICK.—INTEGRITY AND RECTITUDE OF IRETON.—SEVERITIES EMPLOYED BY HIM.—HIS DEATH.

CHAP. XVII.

1650. Ireton lord deputy of Ireland.

CROMWEL, when he withdrew from Ireland at the end of May 1650, left Ireton his substitute in the conduct of affairs there, with the title of lord deputy[a]. The success of Cromwel in that country had been great and unparalleled, and may be said in some sense to have furnished the first ground, as an independent commander, of his military fame. He had reduced Drogheda, Wexford, Cork, Kilkenny, Clonmel, and a multitude of other places, with almost incredible rapidity. He had for the most part cleared Leinster and Munster of the appearance of an enemy. Still there was much to be done. The Catholics possessed the whole province of Connaught, and disputed with the English the superiority in Ulster. They possessed Carlow, Waterford, Duncannon, Limerick

State of that country.

[a] Journals, July 2.

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and Nenagh, the first of these in the province of Leinster, and the others in Munster.

1650. Successes of the lord deputy.

Ireton was a man eminently vigilant and indefatigable in his military character. He was at the same time wary and cautious almost to a fault; and had little of the rapid and peril-defying character of his friend, qualities in no small degree dangerous, unless when combined with that felicity of genius by which error itself is often converted to good. The most considerable exploits of Ireton during the remainder of the campaign, were the reduction of Carlow, Waterford and Duncannon[b]. He also took Tecroghan[c] and Nenagh[d]. His talent was certainly not less in the cabinet, than the field. He set himself to foment the differences, which now raged between Ormond and the Catholic bishops; and it was probably owing to his intrigues that the king's lord lieutenant found himself obliged once more to quit Ireland in December, leaving his authority in the hands of the marquis of Clanricard[e].

Ormond withdraws to the continent.

Ferocity of Coote.

Sir Charles Coote was the English president of Ulster[f]; and, upon the death of O'Neile in November 1649[f], Macmahon, bishop of Clogher, a busy and intriguing priest, but a man of no con-

[b] Whitlocke, Aug. 27. Ludlow, p. 323, 324.
[c] Whitlocke, July 10. [d] Ibid, Nov. 26.
[e] Clarendon, History of Irish Rebellion, p. 255.
[f] See above, p. 153.

temptible talents, succeeded to the direction of the Catholic affairs in that province. What happened at this time may serve to illustrate the ferocity with which the war was carried on in Ireland. Coote encountered Macmahon in the field near Derry in June; and the result was the total defeat of the Catholic forces, the general himself being taken prisoner[g]. This man, who had twelve months before principally contributed to the saving of Coote besieged in Derry[h], was now remorselessly ordered by that officer to perish on a gibbet[g].—Ireton, if he disapproved of this proceeding, felt himself too new in his office to be able properly to animadvert upon it.

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Towards the close of the year, Axtel, whom Cromwel had made governor of Kilkenny, had a sharp conflict with Clanricard, who had advanced with four thousand men into the province of Leinster. The marquis, feeling his inability to encounter the English, retired on their approach to an island bordering on the Shannon, defended on each side by a bog, with but one narrow entrance between, and this strongly fortified with one retrenchment behind another. Axtel however was not deterred by this advantage. He forced all their defences, entered the island, drove half their army into the river, and possessed himself of their camp, ammunition and provisions[i].

Successes of Axtel.

[g] Clarendon, History of Irish Rebellion, p. 185, 186.

[h] See above p. 143.

[i] Whitlocke, Nov. 26. Heath, p. 277.

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1651. Ireton advances against Limerick.

In the following campaign Limerick became the centrical object of Ireton's attention, persuaded as he was that in the fall of this city would be involved the reduction of nearly the whole of Ireland that remained hostile to the English government. The fortifications of the place were exceedingly strong; it was copiously supplied with provisions and ammunition[k]; and it had for its governor Hugh O'Neile[l], nephew to the veteran Owen O'Neile who had perished in the close of the year 1649, and only inferior to him in the requisites of a soldier. Broghil at this time commanded for the English in Munster, and Coote in Ulster, while the main army was quartered at Kilkenny; and it was in Ireton's plan, to make Limerick a centre to the operation of all these forces. As the spring advanced therefore, Coote was ordered to penetrate into Connaught on the side of *Ballyshannon*; and he was speedily so successful, as to reach Athenry, and compel Portumna to surrender[m]. Ireton in the mean time forced the passage of the Shannon about Killaloe[m]. In this enterprise he was opposed by the earl of Castlehaven, while the marquis of Clanricard had endeavoured to arrest the progress of Coote. By the end of June however Ireton conceived that he had obtained such a superiority over the foe, as to induce him

[k] Whitlocke, Nov. 28. [l] Ludlow, p. 370.
[m] Ludlow, p. 343 to 350. Whitlocke, June 16, 20.

to offer terms to the garrison of Limerick, and invite them to surrender. To this the enemy assented, but upon such terms as the deputy refused to grant; and they were not yet so far reduced, not to mention the encouragement they derived from the proceedings of the royalists in Scotland, as to be willing to accept those which were tendered them[n].

Limerick besieged.

The siege therefore was prosecuted with renewed vigour. Lord Broghil twice defeated Muskerry near the Blackwater in the county of Cork; and Ludlow, Ireton's lieutenant-general, made a successful incursion into Clare[o]. Meanwhile the deputy, whose watchfulness and industry never relaxed, applied himself to the erection of such forts and bridges, as should most effectually shut in the enemy from all hopes of relief[p]. At this time came the news of the utter discomfiture of the Scots at the battle of Worcester; and Ireton again seized the opportunity of offering terms to the defenders of Limerick, which again were rejected[q]. He persisted in his resolution to carry the place, and accordingly made suitable preparations for a winter-siege[r]. As a last previous experiment however, he caused the great guns to be landed from the ships, and others to

Surrenders.

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[n] Ireton's Dispatches, printed Nov. 28. Ludlow, p. 355, 356.

[o] Ludlow, p. 359. Whitlocke, July 1, 4, Aug. 9, 11.

[p] Ludlow, p. 358, 361. [q] Ibid, p. 367. [r] Ibid, p. 368.

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be brought from the adjacent garrisons, and with these constructed a battery, which was so effectual, and produced such a breach in the walls, that the inhabitants, terrified in the expectation of the miseries of a storm, compelled the commanders to enter into a fresh treaty, which was completed on the twenty-seventh of October[s].

Axtel ordered home.

During the siege Ireton had various occasions for manifesting the peculiarities of his disposition. Axtel was one of the most useful officers in the deputy's army. In an expedition early in the spring he had been successful in carrying an important post; but an accusation was brought against him, that, after quarter had been given, he had put all the defenders to the sword. The proof, according to Ludlow, was not complete against him. Axtel denied the fact, and alleged, that the Irish, who had shewn no mercy, did not deserve to receive any. But, it being proved that it was so understood by the enemy, Ireton was such a friend to justice, that by his instigation the council of war suspended Axtel from his command, and ordered him home[t]. In another instance a boat full of soldiers, whether moved by fear or promise of life, surrendered to the English, notwithstanding which some of them were put to the sword. At this the deputy was much troubled, judging that they would not have quitted their means of preservation, but

Colonel Tothil cashiered.

[s] Journals, Nov. 28.

[t] Ludlow, p. 340, 341.

upon terms of advantage, and ordered the matter to be examined by a court-martial, who sentenced colonel Tothil, the commanding officer, to be cashiered[u]. The tenderness of Ireton is distinctly recorded by Whitlocke, at the very moment that he is censuring him as pragmatical, and too forward in his designs for reforming the proceedings at law[w]. Ludlow, who delights to register particulars honourable to the deputy, says that, in the latter scenes of his life, he was entirely cured of the vice of adhering too pertinaciously to judgments he had once conscientiously made, which, says the historian, had been observed to be his greatest infirmity[x]. He also tells a pleasing story of his behaviour to lady Honoria O'Brien, daughter to the earl of Thomond. This lady had abused Ireton's protection, by indirectly employing it to secure the goods and cattle of the enemy. The deputy reproached her with this disingenuousness, upon which she burst into tears and assured him that, if he would forgive her, she would never repeat her offence. Ludlow interfered in her favour. To whom Ireton replied, As much of a cynic as I am, the tears of this woman moved me;—and gave orders that her protection should be renewed[y].

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Humane dispositions of Ireton.

The scene which followed upon the surrender of Limerick is a painful one. It had been re-

His severe proceedings.

[u] Ibid, p. 355. Whitlocke, July 5, 11. Heath, p. 70.
[w] Whitlocke, Dec. 11. [x] Ludlow, p. 357. [y] Ibid. p. 361.

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peatedly the practice, particularly when the defence of a place was obstinate, and extended beyond the chance of relief, to protect the inhabitants and the private soldiery, but to except those who had greatest influence, or were chief in command. Such was the case on the present occasion. Twenty-two persons were excepted in the articles of capitulation; and of these five, the mayor of the town, the Catholic bishop of Emly, Wolf, a friar, who had been a principal incendiary, Purcel, the deputy governor, and sir Jeffery Barrow, were put to death by order of a court-martial. Hugh O'Neile, the governor, pleaded that the charge was, that he had instigated the garrison to hold out when there was no hope of relief, whereas he proved that he had always been the advocate of a timely surrender. By this plea with difficulty his life was saved[z].

His death.

From Limerick Ireton prepared to march against Galway, which had already been some time besieged by Coote. But, the officers complaining of hard service and sickness, Ireton consented that they should go into winter-quarters[a]. Ludlow in the mean time took Clare Castle and a neighbouring fortress[b]; and the deputy made a *détour* to view certain places where he designed to place garrisons, the more completely to shut up Galway against the ensuing season[c]. In this excursion

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[z] Ibid, p. 373, *et seqq.* Ireton's Dispatches.
[a] Ludlow, p. 376.
[b] Whitlocke, Dec. 8.
[c] Ludlow, p. 380.

he took cold, which was succeeded by the plague, that for some time had infested this part of Ireland. He had subjected himself to every kind of hardship, never putting off his clothes during the siege of Limerick, except to change his linen, which made him the more liable to be infected with the contagion. He died on the twenty-seventh of November[d].

Gratitude of the parliament to his memory.

Intelligence of this calamity reached London on the eighth of December; and parliament immediately voted that his remains should be brought to London, and interred at the charge of the state, and that a suitable provision should be made for his widow and children[e]. This provision consisted of an estate of two thousand pounds *per annum*[e], which had formerly been voted to be settled upon him during his life-time[f]. The bill for settling an estate of four thousand *per annum* upon Cromwel was read a first and a second time on the same day that the provision for Ireton's family passed into a law; but it does not appear to have proceeded any further[g].

Sentiments of Cromwel on the occasion.

Whitlocke particularly records that the death of Ireton struck a great sadness into Cromwel[h].

[d] Ludlow, p. 382. [e] Journals.

[f] Journals, Sept. 11. See above, Vol. II, p. 200.

[g] Journals, Dec. 18.

[h] Whitlocke, Dec. 8. The firm, the sober, and resolved character of Ireton made him many enemies. The royalists considered him as their most formidable adversary; and the advocates of li-

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cence hated as much as they feared him. Among others Broghil, a gallant soldier of fortune, who had fought for Charles as long as he could, and, being pressed by Cromwel at once with promises and threats, embraced without reserve the friendship of that extraordinary man, held Ireton in particular aversion. He has told a story, that the deputy declared among his confidents, that Broghil must be cut off, otherwise he would ruin them all. And, to revenge the supposed purpose of assassination in Ireton, he has plotted to undermine his posthumous fame. He says, "Soon after this officer had the command of the army, he was informed that a certain barony had broken the articles in consideration of which it was protected. He marched therefore against the barony, giving orders to his soldiers to kill man, woman and child. Broghil expostulated with him upon the cruelty of such a *proceeding:* but Ireton replied that it was of ill consequence to permit such perfidious villains to be spared, adding, that he had conceived a favourable opinion of the Irish when he first came into the kingdom, but was now satisfied that they did not deserve to live." At length the philosophy and humanity of Broghil conquered the ferocity of the deputy. Morrice's Life of Orrery, *apud* Orrery State-Papers, p. 32, 33, 34.

Such is the character Ireton has received from this high-spirited nobleman. As a specimen of the temper of the royalists towards him, take sir Philip Warwick's account of his death (Memoirs, p. 354, 355), who says, "As he was a man of blood, so he expired with that word in his mouth, exclaiming amidst the ravings of his fever, *I will have more blood, blood, blood.*"

His character is thus delineated by Cooke, chief justice of Munster, his special and particular friend.

"Never had commonwealth a greater loss, because undoubtedly there never was a more able, painful, provident and industrious servant. He discharged his duty to all people, and acted every part so well, as if he had been born only for that particular. He was a patron, father and husband to the fatherless and the widow. For uprightness, single-heartedness and sincerity he exercised them to his enemies; and, though he was very sparing in his promises to the rebels, yet was he most liberal in his performances. He was

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a most exact justiciary in all matters of moral righteousness, and with strength of solid reason had a most piercing judgment and a large understanding. He was willing to hear truth from the meanest soldier. For so great a stock of knowledge, such extraordinary abilities in matters of learning, military, judicial, political, mathematical, moral, rational and divine, I say, for every thing requisite and desirable, both as a man and a Christian, I think it will be hard with many candles to find his equal. I believe few men knew more of the art of policy and self-interested prudentials, but never man so little practised them. If he erred in any thing (as error and humanity are inseparable), it was in too much neglecting himself, seldom thinking it time to eat, till he had done the work of the day, at nine or ten at night; and then would sit up, as long as any man had business with him. Indeed he was every thing from a *foot-soldier* to a general. He is and shall be most dear to my remembrance; and, of all the saints I ever knew, I desire to make him my precedent." Epistle prefixed to Monarchy No Creature of God's Making, 1652.

BOOK III.

1651. # FOURTH YEAR OF THE COMMONWEALTH.

COUNCIL OF STATE,

Installed, December the First, 1651[a].

OLD COUNCIL

Members who sat in the three preceding councils, 15.

Bulstrode Whitlocke, } Keepers of the Seal.
John Lisle, }
Henry Rolle, Chief Justice.
Oliver St. John, Chief Justice.
John Bradshaw, Lord President.
Oliver Cromwel, Lord General.
Valentine Wauton.
Sir Arthur Haselrig, Bart.
Sir Gilbert Pickering, Bart.
Sir William Masham, Bart.
Sir Henry Vane, Knt.
Sir James Harrington, Knt.
Thomas Scot.
William Purefoy.
Dennis Bond.

Members who sat in the second and third councils, 2.

Thomas Chaloner.
John Gurdon.

Members who had been chosen in the third year, 4.

Lieut. Gen. Charles Fleetwood.
Richard Salway.
John Carew.
Nicholas Love.

NEW COUNCIL.

Members who sat in the first and second councils, 8.

Philip viscount Lisle.
Henry Marten.
Robert Wallop.
Alexander Popham.
Sir William Constable, Bart.
Ald. Isaac Pennington.
Anthony Stapeley.
Cornelius Holland.

[a] Order Book of Council.

Members who sat in the second council, 2.

Sir Peter Wentworth, Knt.	Herbert Morley.

New Members, 10.

Philip earl of Pembroke.	John Corbet.
Robert Blake.	William Masham.
Henry Nevile.	Henry Herbert.
John Downes.	William Hay.
John Dixwel.	Abraham Burrel.

THERE must have been some extraordinary reason why the council of state, chosen in February 1651, should have been abridged of nearly three months of its existence. But no reason appears in the records either of parliament or council.

The new election took place on the twenty-fourth and twenty-fifth of November[b].

Powers of the committees of council.

It should have been observed before, that the phrase, "you, *or any* [three, five, seven, nine, ten, twelve] *of you*, are hereby authorised and empowered," is only to be found in the instructions for the council of the first year. The powers therefore of the council were afterwards vested in the whole body, and not in any of its committees taken apart. The committees however continued to be chosen as before.

Character and station of the members of the council of state.

It is difficult for readers in a distant period to form a just estimate of persons who, without making any figure in history, were perhaps of very grave weight and consideration among their con-

[b] Journals.

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temporaries. When we read, in the list of the council of state, the names of William Cawley, Henry Darley, John Fielder, Anthony Stapeley, we are apt to imagine that we are fallen upon persons of the lowest order in society: and this circumstance has been of great advantage to the scurrilous writers, whose cue it is to represent the government of England after the death of Charles the First, as having come into the hands of butchers and draymen.

Their intrinsic importance.

It is true, as has already been observed[c], that the present government rested on a narrow foundation. The king, and the house of peers, the lords spiritual and temporal, were removed. All that were greatly attached to either king or peers, were discountenanced and disaffected. The adherents of the episcopal establishment, and the adherents of the presbyterian system of church-government, were animated with hostile feelings, or in a greater or less degree discontented. The parliament was a self-constituted body, indebted for its present power to the external force that had been exercised upon that assembly as it formerly stood, and amounting to but a small part of the representatives of the people. But we must not on these accounts conclude, that the government was not possessed of great strength, or that its supporters were not, many of them, in the natural

[c] Chapter II.

and unforced order of things, among the most efficient members of the population of England.

1651. Illustration.

There is a passage in Clarendon, that incidentally confirms to us the high character and respectability annexed to the members of the council of state, where he mentions Mr. Stapeley, the son of a deceased counsellor, "a gentleman of good extraction and good fortune, and whose interest was otherwise considerable, in the maritime county of Sussex," who went over to the royalists, while "many of the king's friends thought fit to cherish those inclinations in him, and encourage him to hope" for future forgiveness and distinction[d].

Fifteen of its most eminent members.

The fifteen persons, who were regularly rechosen in the elections of the council of the commonwealth as long as the commonwealth existed, are particularly entitled to our notice. They must doubtless be considered as for the most part the columns of the state. They were many of them in the highest class of statesmen. Peculiar circumstances only, or peculiar merit, could have obtained for them so extraordinary a distinction. They must also be regarded as having embarked their activity, their predilections, and their character, in the political vessel, in which they occupied so eminent a station.

[d] Clarendon, Vol. III, p. 618.

CHAPTER XVIII.

PROCEEDINGS OF CROMWEL.—QUESTION OF SUCCESSIVE PARLIAMENTS TAKEN INTO CONSIDERATION.—THE DECISION PROCRASTINATED.—CROMWEL PRESSES THE QUESTION.—HIS REASONING AND INTENTION.—PERIOD FIXED FOR THE CLOSE OF THE PRESENT PARLIAMENT.

BOOK III.

1651. Consequences that followed on Ireton's death.

WHEN the gallant spirit of Ireton departed, the good genius of the commonwealth and of Cromwel took its flight. The ligature and holdfast, which bound these together in firm conjunction, the individual who, more than any other, had the power to control the mighty mind of the general, and retain him in the path of his duty, was gone. They saw each other for the last time in May 1650. The esteem and reverence of Cromwel for his friend no doubt remained. But absence, which is said to be the death of love, greatly impairs the perfect cordialities, as it renders impracticable the hourly communications which are the best nutriment, of friendship. The future lord protector found the visions of ambition perpetually opening on his mind. How he would have conducted himself, if Ireton had continued to live, cannot now be

told. But he immediately felt the difference, and was conscious to the removal of an awe under which he had experienced a certain uneasiness[a]. 1651.

Conference of Cromwel with certain officers and members of parliament respecting the settlement of the nation.

The second day after the news of Ireton's decease, Cromwel called a meeting of several members of parliament and some chief officers of the army at the speaker's house; and, a considerable number being present, he suggested to them that, now that the late king was dead, and his son defeated, it seemed necessary to come to a settlement of the nation. Whitlocke suggested, that it was requisite in the first place to decide, whether the future government should be in the form of an absolute republic, or with some mixture of monarchy. And Cromwel immediately rejoined, that the lord commissioner had started the right point; to which he added that, if a mixed monarchy appeared to be the sense of the meeting, it would next be the question to consider in whose hands the monarchical power was to be placed. The lawyers were generally for a mixed monarchy, and many, particularly Widdrington, for conferring the crown on the duke of Gloucester, the third son of the late king: the soldiers for the

[a] Mrs. Hutchinson says, Vol. II, p. 192, that Ireton had "determined to come over to England, to endeavour to divert Cromwel from his destructive courses." I doubt whether Cromwel had so far unveiled his ambition during the life of the deputy. But this at least may shew what was understood of the sentiments of this inflexible republican.

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most part, especially Whalley and Desborough, expressed themselves averse to any thing partaking of monarchy. Fleetwood observed that it was a point not very easy to be determined. Much other discourse occurred; but the company parted without coming to any conclusion[b]. Meanwhile Cromwel learned by this means the sentiments of the persons present, and regulated himself accordingly.

Consideration respecting future parliaments.

The great object in the contemplation of the present rulers, was the constituting a new parliament. Successive parliaments were the vital principle of the commonwealth. Till these were established, till the child, exposed, as Marten said[c], on the river's brink, had attained his full stature, and was admitted to have arrived at years of discretion, nothing was consolidated, nothing permanent was done. The government that now existed could be nothing more than a government *ad interim*.

1650. Report of the committee appointed to examine the question.

Of this the persons at the helm of affairs were fully aware; but they dreaded a premature abandonment of the power they now held for the public benefit. They early brought forward the question of the mode in which future parliaments should be chosen, and the times of their sitting. On the fifteenth of May 1649, a committee was appointed to take the subject into consideration, consisting

[b] Whitlocke, Dec. 10. [c] See above, p. 117.

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of sir Henry Vane, senior and junior, Ireton, Scot, Algernon Sidney, and four other persons[d]. This committee did not bring in its report till the ninth of January of the following year, some change having in the mean time taken place in the members of which it was constituted, and Ireton being on service in Ireland. The first proposition recommended in the report, which was brought in by Vane, coincided with the suggestion of the Agreement of the People, tendered by the general council of the army twelve months before[e], that the representation of the people of England should consist of four hundred members, though with a distribution to the counties, and the towns within them, somewhat different. They referred the succession of parliaments, and the qualifications of the electors and elected to future consideration. And they recommended, that all members now sitting in parliament should be counted in the next parliament, as representatives for the places for which they at present sat. The first proposition, that the representatives should be in number four hundred, was voted by parliament on the day that the report was brought up: the rest was deferred[f].

The next parliament to consist of four hundred members.

Recommendation that the present members form a part of the next parliament.

It was next referred to a committee of the whole house to determine on the following particulars;

Committee of the whole house on the question.

[d] See above, p. 112, 113.

[e] See above, p. 47, 48, 49.

[f] Journals.

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1650. and this committee sat weekly with few interruptions till the middle of August. Its sittings were afterwards resumed about the end of October, and continued till the spring of the following year.

1651. They appear on the whole, by the Journals, to have amounted to forty-eight.

The decision is procrastinated.

What was done in these different sittings we have no means of ascertaining. Probably in many instances they were *pro formâ* only; and the chairman had no sooner taken his place, than a motion of adjournment followed. The routine of parliamentary proceeding was suffered to go on, while those in the direction of affairs felt unwilling to take a peremptory step, where any hasty measure might be attended with momentous consequences.

Motives for procrastination.

They still waited, till the successes of the commonwealth-government should be found of the most unquestionable and dazzling character. They still watched, with the affection of a mother towards her offspring, and probably with the pure love of a patriot for the public weal. It was an anxious question that was before them, to consider when, and with what preparatory measures the nation might be trusted with its own interests, secure that no disgraceful and no calamitous consequences would be the result. These were no ordinary times; and those who seemed now to have every thing at their disposal, would be answerable for all the mischiefs, to which they gave way, or which they might seem to authorise.

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Strange things were brewing in the mind of Cromwel, as he journeyed from the scene of action at Worcester to the metropolis. Hugh Peters, the divine, who was greatly respected by the leading men of his time, saw him on the road, and made such observations of his demeanour, as induced him to say to a friend in confidence, Cromwel will make himself our king[g]. We have already noticed his conversation with the commissioners sent by the parliament to congratulate him, during the evening they spent together at Aylesbury, who had much discourse with him, and St. John more than the rest[h]. The very day that he appeared in his place in the house, occasion was taken, doubtless with his concurrence, to bring forward a motion to revive the question concerning an equal representation in parliament. The debate was fixed for the day following[i].

Thoughts harboured by Cromwel.

Question of representation revived.

Cromwel, with the discernment that scarcely at any time deserted him, saw that this was the vulnerable side of the present administration. While Vane and Bradshaw and Marten hesitated, fearful as they trod in so dubious and critical a path, Cromwel had it at all times in his power to annoy them, by bringing forward a topic which must on many accounts be attended with popularity. His thoughts carried him farther than this. He saw,

Purpose with which it is revived.

Cromwel's thoughts on kingship.

[g] Ludlow, p. 447.

[h] See above, p. 278.

[i] Journals, Sept. 16.

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as they saw, that the nation was divided into three parties, and that the present government had not certainly the cordial support of more than one in three, of the nation in general, or through its different ranks. He reasoned thus: There needs some common principle, to reconcile these dissentions, and bind these discordant particles together. That principle must be monarchy. There is something in kingly government particularly adapted to the superficial and frivolous character of the bulk of mankind, whether high or low. There is that in it which inspires them with awe. It spreads hope, and seduction, and the anticipation of advantage, through an extensive circle. To those that are not within the reach of its more genial beams, it still gives an object to dazzle, to amuse, and to astonish. As the bulk of mankind regards national prowess and victory as something for each individual to plume himself upon, just so processions and shows, and the magnificence of a court make each individual of the state to which it pertains proud, as if he had a share in it. It is only thus, so Cromwel argued, that we can ever have a parliament. Let us extinguish all hopes in the Stuart race. Both royalists and presbyterians desire a king. Let us give them one; not indeed the man they would chuse; but, when once they have a king, they will easily be reconciled, and in time become loyal to him. They will call him at first an upstart and a usurper: but novelty is a

feeling of brief endurance, and men soon learn to feel a certain value for him who is accompanied with magnificence, and display, and the power of distributing both wealth and honours. As a commonwealth, we may in vain hope ever to secure the attachment, or obtain the support of the flaunting royalist, or the demure presbyterian. But give them a new dynasty; and you give them the substance of what they wish for, with only a small change in the form, or rather in the patronymic appellation of the individual.

His attachment to the doctrines of liberty.

These are not loose speculations and uncertain conjectures respecting what now passed in the mind of Cromwel. All his subsequent life proves their certainty; his fixed desire of the denomination, a king, his multiplied experiments, one for ever succeeding another, of a parliament. He believed the scheme of conduct he adopted was virtuous. He persuaded himself that he was seeking the substantial and lasting advantage of his country. Algernon Sidney has left behind him the testimony, given after the death of Cromwel, that he had "just notions of public liberty[k]."

His personal ambition.

It cannot however reasonably be doubted, that his ambition came in aid of his reasonings, and made him no dispassionate judge of the question before him. The man who desired a crown for himself and his posterity, must not be admitted to

[k] Burnet, Own Time, Book I.

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be beyond the reach of the titillations of vanity, and the allurements of temptation.

1651. Grossness of his mistakes.

He judged falsely. Whatever allowances are to be made for the delusions of a seeming virtue, it cannot be denied that no man ever went farther than he in arbitrary and lawless proceedings, in rending the veil of the temple, in insulting every thing that successive generations had held in reverence, and in contumely poured down upon the virtuous sentiments and intentions of his brothers of the state. He began with being from conviction a perfect republican; and he ended with the desire to make himself a king: and it is not probable that his creed would ever have been changed, if his private passions had not come in aid of the sophistries by which he was beguiled. What would have been the fortune of the commonwealth, if he had not sacrilegiously overturned it, we do not know. With the result of his proceedings we are acquainted. After seven years of unhallowed ambition, he died. He left his country a prey to the most furious tempest. He deprived the whole nation, with the exception of a small handful of men, of the desire and the hope to achieve great things. He taught his countrymen to be incredulous to the name of public liberty. He prepared the way for all the profligacy, the inhumanity, the persecutions, and the infamy of the reign of Charles the Second. Well may we bespeak him in the words of the prophet, How art

thou fallen from heaven, Oh, Lucifer, son of the morning!

CHAP. XVIII.

1651. His duplicity.

Though these, as we have seen, were the reasonings of his own mind on the occasion, yet it will presently appear that it was a very different language, that he held to his associates, and by which he gained to himself confederates in his measures.

Bill for putting an end to the present parliament ordered to be brought in.

The debate respecting an equal representation took place on the seventeenth of September, according to appointment, and was terminated by a resolution that a report from the committee of the whole house, which had sat at intervals from January 1650 to the May of the present year, should be made on the twenty-fourth[l]. On the twenty-fifth the house voted, upon a division, Cromwel and Scot being tellers for the majority, that a bill should be brought in, for fixing a certain time for closing the present parliament, and calling another; and it was referred to St. John, Whitlocke, Lisle, Prideaux, Say, chairman of the committee, Miles Corbet, and eight others, to prepare the bill[m]. On the next day the names of Cromwel, Vane, Marten and Salway were added to this committee; and it was ordered that all that came should have voices in their decisions[n]. On the first of October it was directed that this committee should sit every afternoon, till the bill was ready.

[l] Journals. [m] Ibid. [n] Ibid.

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First and second reading. Committee on the bill.

Further proceedings.

At the expiration of one week the bill was brought in, and read a first time, and, two days after, a second time. It was then committed to a committee of the whole house, which was ordered to sit daily from the fourteenth to the twenty-eighth. The committee sat with few interruptions till the fourth of November. On that day it was directed that a new chairman should take the chair; and on the twelfth it was found necessary, that the serjeant at arms should go into Westminster Hall, and summon the members, as well judges as others, to attend the house for the further consideration of the bill. On the thirteenth the house was desired to examine the question, whether it be now a convenient time to fix the period at which the sittings of the present parliament should cease: and on the fourteenth it was decided that this was a proper time. This decision was not adopted without two divisions, the first of fifty to forty-six, and the second of forty-nine to forty-seven, Cromwel and St. John being in each instance tellers for the majority. This point being determined, the victorious party appears to have left it to their adversaries to name the period for the dissolution: and on the eighteenth it was voted without a division, that the period should be the third of November, 1654[o].

Period for terminating the present parliament fixed.

Having thus carried his point, Cromwel seemed disposed for the present to rest on his arms.

[o] Journals.

CHAPTER XIX.

CONQUEST OF SCOTLAND COMPLETED BY MONK. —UNION OF ENGLAND AND SCOTLAND PROPOSED.—BENEFITS WITH WHICH IT WAS ATTENDED.—COMMISSIONERS SENT INTO SCOTLAND TO ESTABLISH IT.

1651.

When Cromwel marched out of Scotland in pursuit of the king, he left Monk with five or six thousand men to complete the conquest of that country[a]. This officer, who had won the confidence of Cromwel by the knowledge he displayed as to the mode of conducting war in this northern climate, shewed himself perfectly adequate to the task assigned him. His first exploit was the reduction of Stirling Castle on the fourteenth of August, which was surrendered to him after three days' siege, and in which were taken the king's royal robes, the chair and cloth of state, and all the records of Scotland. These Monk immediately shipped for London. There were also five thousand stand of arms, and forty pieces of cannon[b].

Monk has the command in Scotland.

Stirling Castle surrendered.

[a] Cromwelliana, p. 107.

[b] Whitlocke, Aug. 25. Echard. Gumble, Life of Monk, p. 40, 41.

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1651. Further successes.

Monk's next undertaking was against Dundee. To this place the inhabitants of Edinburgh and many other towns had removed their most valuable effects, as to a fortress of uncommon strength. Monk sent in a summons to the governor, to which he received an answer, inviting him and his followers, in the king's name to come in and join him, in obedience to Charles's declaration[c]. Meanwhile Monk received information, that the committee of estates and of the church had repaired to a place in the neighbourhood for the purpose of raising forces for the relief of Dundee. He accordingly with the utmost expedition sent off a detachment, which came upon them by surprise, and took the whole party prisoners. There were the earl of Leven, the earl marshal of Scotland, and about three hundred noblemen, gentlemen, and clergy, all of whom he shipped off for London[d].

Dundee stormed.

On the first of September Dundee was carried by storm. Monk, incensed at the resistance of the place, and the contemptuous message of the governor, is said to have issued orders that no quarter should be given to man, woman, or child. The governor himself was put to death, after having been admitted to surrender. The spoil was

[c] Philips, p. 530. Whitlocke, Sept. 8.

[d] Balfour, Vol. IV, p. 314. Whitlocke, Sept. 3, 4. Echard. Philips, p. 530. Gumble, p. 45.

immense, many of the private soldiers having gained five hundred pounds apiece. Sixty sail of vessels were taken in the harbour[e].

Conquest of Scotland completed.

The terror of this execution was so great, that most of the other towns, Aberdeen and St. Andrews in particular, either voluntarily submitted, or came in upon summons[f]. Inverness was reduced before the end of the year; the Orkney and Shetland islands were brought into subjection by colonel Overton; and the commonwealth boasted that they had conquered climates inaccessible to the Romans, and which our Henries and Edwards had been unable to subdue[g]. Argyle was the last that held out, defending his patrimonial possessions, and negociating with the enemy like a sovereign prince[h].

Parliamentary proceedings.

At first the parliament of England ordered an act to be brought in for asserting the right of the commonwealth to the dominion of so much of Scotland as had been reduced by their arms[i]. But presently after they changed their ground. They found the whole of that kingdom subdued by Monk and his brothers of the war. They therefore, before the expiration of the month in which

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[e] Balfour, p. 315. Whitlocke, Sept. 8, 11, 12, 15. Echard. Gumble, p. 43, 44.

[f] Whitlocke, Sept. 12, 18. Philips, p. 530. Echard.

[g] Whitlocke, Nov. 26, Dec. 19. Heath, p. 308, 313.

[h] Whitlocke, Mar. 22, Sept. 3, 1652. Heath, p. 304.

[i] Journals, Sept. 9.

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the battle of Worcester was won, voted that fit persons should be sent as commissioners into Scotland, for managing the civil government, and settling affairs there, as might be most for the advantage of the commonwealth[k]. And in the following month a declaration was brought in from the council of state, and adopted by the house, deciding, as to what concerned the freedom for the people there, and the security of the commonwealth of England in time to come, that Scotland might and should be incorporated into and become one commonwealth with England, whereby the same government which was enjoyed by the good people of this nation, without king or house of lords, might be derived and communicated to them[l].

Act of union recommended.

Arguments of policy for this measure.

Thus prompt were the present rulers in deciding on the most important occasions. It was a question of the utmost magnitude that lay before them. They were to pronounce upon the destination and future happiness of a whole nation, and they were so to pronounce upon it as might be most compatible with and conducive to the security of their own country. Four times within eleven years had the Scots marched with an army into the territory of England; the first and the second time indeed in confederacy or concert with

[k] Journals, Sept. 26.

[l] Ibid, Oct. 23, 28. The Declaration was separately printed, and is also given in Several Proceedings, and in Mercurius Politicus.

the friends of liberty in the southern kingdom; but the two following for the purpose of imposing a king by force of arms upon their neighbours, when the legislature of the neighbour-country declared against it. It was therefore a duty of the highest magnitude incumbent upon the rulers of the southern nation, having first driven out the invader, to provide in the most effectual manner against the repetition of the aggression. Now we must either confess that Scotland was likely to be for ever a focus of intrigues for the partisans of the house of Stuart, thus perpetually menacing the tranquillity of the commonwealth: or, if we should suppose that, instructed by the calamitous event of these two invasions, Scotland would abstain from future aggression, even then it was no less required of the English parliament, to exert themselves to quiet the convulsions, and compose the dissentions of the northern nation, and, by imparting to them the blessings of peace, order and good government, to endeavour to secure the enjoyments of these blessings to themselves.

Arguments of philanthropy.

The rulers of England seem to have looked beyond these mere considerations of policy, and to have consulted, like men and philanthropists, for the happiness of their neighbours. They might have treated Scotland simply as a conquered country, have sent out their prætors and proconsuls to govern it, and have maintained a sufficient army there to keep the natives in awe. These are the

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usual fruits of victory, and of the utter subduing of the territory of one country by the people of another. But the English rulers were men of too much justice and conscience to adopt such a proceeding. They saw the wants of the people of Scotland; they saw that they were two centuries behind their southern neighbours in civilisation and the arts of life[m]; and they felt that, by imparting these benefits to the northern nation, they would be securing their own stability and happiness.

Condition of Scotland.

A curious account of the manners of the lower people of Scotland is preserved by Whitlocke, who says, that "the countrymen were so enslaved to their lords, that they could not get any thing considerable of their own beforehand; and many of their women were so sluttish, that they did not wash their linen above once a month, nor their hands and faces above once a year[n]." Their credulity was of a piece with their miserable condition. Whitlocke relates, that, when Cromwel marched into Scotland, the army, in all its progress, "saw not one Scotsman under sixty years of age, nor any Scots' youth above six years of age, and a very few women and children. They had all fled from their habitations, being told, that the English would cut the throats of all between

[m] Brodie, History of the British Empire, Vol. I, p. 382.

[n] Whitlocke, Aug. 19, 1650.

sixty and sixteen, amputate the right hands of all above six, and burn the women's breasts with red-hot irons[o]." Cromwel accordingly found it necessary to publish a proclamation, inviting those who had not been engaged in actual hostilities, to stay in their houses, where they should enjoy their possessions, without being exposed in any respect to violence or injury from his soldiers[p]. It has been excellently observed, that filth in a people is the infallible test of penury and misery, since those who are by hard necessity bereft of all other comforts, generally are without spirit to make use of that of cleanliness, which is within their reach[q].

1651.

Parochial schools.

The parochial schools, which are the boast of Scotland, and which at present spread the rudiments of learning through the whole country, are of ancient institution. We find them mentioned *in 1560*[r]; and they are understood to have preceded the reformation. The institution consists of a schoolmaster's house, a school-house to every parish, each schoolmaster receiving a regular stipend by law, exclusively of a small payment from the parent of every child. To judge from the man-

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[o] Ibid, Aug. 5. [p] Ibid, July 31. [q] Brodie, p. 433.

[r] In the First Book of Discipline of the Kirk, it is recommended, "In every parish there should be a schoolmaster." The First Book (which is inserted at length in Spotswood's History of the Church of Scotland) was produced, and subscribed by many noblemen and burgesses, in 1560. See that author, p. 175.

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ners above described, Scotland seems at this time to have derived small advantage from this establishment.

Provisions of the bill of union.

The act of union itself sufficiently explains many of the most important benefits conferred upon Scotland. It provides that all proprietors of land should be henceforth exempt from any other duty, service or vassalage to the lord, beside their rents, and a fine upon the death of the lord, or the death or alienation of the tenant, and that not to exceed one year's value of the land. It extinguishes all claim of military service or personal attendance on the lord in any of his expeditions or travels, and the rights, hitherto exercised by the king or any other superior, of wardship and marriage. It also abolishes the lord's court of justiciary, regality, or court baron, and refers all suits, claims, and administration of justice, to the courts which are or shall be established for the dispensing of justice by the national government[s].

Administration of justice reformed.

The court of session had been first established by James the Fifth; but of this court the administration was notoriously corrupt. It was a common saying, that a rich man had never occasion to lose a cause that came before that court; and it was a notorious fact, that money was often distributed by the advocate to purchase the decisions of the bench[t]. From examples of this kind the

[s] Scobel, 1654, cap 9.

[t] Johnston, Historia Rerum Britannicarum, Lib. VII, p. 231.

whole court was involved in general infamy. This court therefore was superseded. At first the judges appointed under the act of union were all English. Afterwards two or three Scots were added, that they might explain the local practices and customs which were involved in the suits to be tried[u]. The Scottish subjects were surprised at the impartiality of the decisions of the new judges, a thing to which they were wholly unaccustomed. Long after this time, Dalrymple, president of the court of session, is said to have confessed publicly, that he could never get over the natural partiality to "kith, kin and ally:" and, being reminded of the unbiased conduct of the judges under Cromwel, to have replied, "Deil thank them! a wheen kinless lowns!" i. e. a parcel of fellows without family connections[w].

State of the Scottish parliament.

The Scots' parliament was not in a more respectable condition than their courts of justice. Whatever party was uppermost considered the exclusion of their opponents from the legislative assembly as the natural means of maintaining their own superiority[x]. The act of classes, one of the first measures of the parliament of 1649,

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[u] Lord Hailes, List of Scottish Judges.

[w] This statement comes to me from a Scottish gentleman, whom it would do me honour to name. But I refrain from motives of delicacy.

[x] Guthry, p. 301. Balfour, Vol. III, p. 373, 408.

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was conceived in this spirit[y]. And accordingly the unanimous sense of those who were excluded, was that this was no lawful parliament[z]. All political improvements in Scotland were of much later date than in England; the representatives of boroughs were introduced sixty years after ours, and those of the shires were never regularly summoned till the reign of James the Sixth[a]. In what manner both the one and the other were represented, may be collected from the laws of election in Scotland at present, the old abuses under this head having been faithfully preserved to the present day.

Proposed plan of representation.

The plan prescribed by the act of union was, that Scotland should regularly send up thirty representatives to Westminster, to join the four hundred that were to be chosen by the southern nation[b]. And, as no doubt the plan of election was to be regulated by the number of inhabitants and contribution in taxes as in England, Scotland would have been more truly represented than she had been in the parliaments held within her own borders. Her people would have learned to value themselves as men, with a Greek or Roman spirit; and the privileges and sovereignties, which held them at present in universal slavery, would have

[y] Balfour, p. 377. [z] Ibid, p. 431, 434, 435.

[a] Robertson, History of Scotland, Book I.

[b] Scobel, *ubi supra*.

been annihilated. Add to which, these representatives, who were to reside at Westminster during the sitting of parliament, and were then to return to their homes, would have carried back with them the improvements and refinements of the more cultivated nation. They would not, as now, have resorted to the southern metropolis to the emasculating spectacle of a court, and to endeavour to vie with their polished neighbours in suing for the smiles and graces of a prince. They would have come to the improving scene of a haughty republic, and of men proud of having, through the struggles of a protracted civil war, broken the chains of servitude. The very circumstance of becoming members of a respected and powerful commonwealth, would have raised their thoughts, and filled them with generous and liberal sentiments. An inferior and less civilised country must always be a gainer by a fair and honest union with one that has outstripped them in the acquisition of knowledge and refinement.

Unpopularity of the union among the Scots.

Yet such are the prejudices of the human mind, that every nation and combination of men is disposed to glory in its own individuality. They have a feeling of brotherhood. If they have little to be proud of, they are inclined to dwell upon and exaggerate that little. They do not like to be like a drop of water swallowed up in the expanse of a lake. The union therefore was unpopular in Scotland. The people then, as well

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as since, looked with sullen disdain upon the assuming and dictation of a rival state; and there is no period of Scottish history respecting which so little has been recorded, as the reign of the commonwealth and of Cromwel. It is true the crowns had been united ever since the accession of James to the English throne; and the history of no country can be splendid, so long as it is considered as a minor appendage, a secondary jewel in a superior crown. But, in addition to all other considerations, the repugnance of the Scots to the union will easily be understood, when it is remembered that the great body of the nation was presbyterian, and that the minority was for the most part zealously attached to the house of Stuart.

Commissioners sent into Scotland to establish it.

The commissioners who were appointed to go into Scotland for the settlement of affairs there, were St. John, Vane, Lambert, Dean, Monk, and three others[c]. There is something remarkable in the appointment of Vane at this time. The first dawnings of the political contention, which soon afterwards broke out, shewed themselves, in the peremptory way in which Cromwel, on his return from the battle of Worcester, forced the statesmen at home to name a day for the dissolution of the present parliament. Vane was at the head of those statesmen. The construction which vulgar writers of history usually put on such incidents, is that

[c] Journals, Oct. 23.

the obnoxious party was put upon such a commission to get rid of him. But this could scarcely answer any useful purpose in the present instance. At any rate it marks the generous and unsuspicious mind of Vane, who consented to go upon a journey to Scotland for certainly not less than two months, and to leave the military party without his personal opposition during that term. We may also infer from this fact the slow, deliberate and cautious procedure of Cromwel. Vane would scarcely have engaged in this transaction, and have withdrawn himself for so long a time from the metropolis, if Cromwel and he had not been seemingly on terms of friendship.—St. John, who was at this time Cromwel's particular and confidential ally, was at the head of the commission.

Lambert and Dean ordered on that station.

Monk, who, when Cromwel marched from Scotland in pursuit of the invading army, had been left by him in charge to complete the reduction of that country, was not, now that hostilities were over in England, thought sufficient for the settling affairs in the north. He bore the style of lieutenant-general of the ordnance[d], a title which had previously been conferred on lord Broghil in Ireland, to pacify the discontents manifested in the carriage of that nobleman[e]. Major-generals Lambert and Dean however, two of the commissioners for settling the affairs of Scotland, were now sent

[d] Gumble, p. 41.

[e] Ludlow, p. 341, 342.

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to exercise a higher authority. We find Lambert at Edinburgh so early as the latter end of November[f]. The purpose of sending these two officers was to receive submissions, to grant terms, and to quiet the minds of the people[g]. We are told that they, and the officers who accompanied them, heard controversies between party and party; and that the litigants were greatly satisfied at the full examination that was made, and the speedy decisions that were pronounced[h].

Success of the commissioners. 1652.

The instructions to the commissioners were finally given on the eighteenth of December[i]. They reached Scotland in the course of the following month, and opened their proceedings at Dalkeith, six miles from Edinburgh. Their purpose was to summon deputies from the different shires and boroughs of Scotland to meet them, and declare their assent to the proposed union[k]. They sat during the greater part of January, and the whole of February[l]; and on the first of March they sent up Vane and another of the commissioners to report to parliament the progress they had made, from whose statement it appeared that twenty shires and thirty-five boroughs had already assented to the union[m]. In consequence of this report the act of union was brought in, and read a first and a second time on

[f] Journals, Dec. 5.
[g] Heath, p. 304.
[h] Whitlocke, Dec. 30.
[i] Journals.
[k] Heath, p. 307.
[l] Whitlocke, Jan. 30, Feb. 2, 6, 7, 9, 13, 17.
[m] Journals, Mar. 16. Whitlocke.

the thirteenth of April[n]. It was surely no small condescension on the part of England, to send two of the first men in the state, St. John by his situation, and Vane by his character and consideration, to gain over the Scots to the new system; and they must have felt that they were not treated like a conquered people.

Testimony of Burnet.

Burnet's account of the state of his country at this period[o], deserves to be transcribed. "After this Scotland was kept in great order. Some castles in the highlands had garrisons put into them, that were so careful in their discipline, and so exact to their rules, that in no time the highlands were kept in better order, than during the usurpation. There was a considerable force of seven or eight thousand men kept in the country: these were paid exactly, and strictly disciplined. The pay of the army brought so much money into the kingdom, that it continued all that while in a very flourishing state. Cromwel built three citadels, at Leith, Air and Inverness, beside many little forts. There was good justice done; and vice was suppressed and punished: so that we always reckon those eight years of usurpation a time of great peace and prosperity."

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[n] Journals. [o] Own Time, Book I.

CHAPTER XX.

LAMBERT NAMED LORD DEPUTY OF IRELAND.—HE DECLINES THE COMMISSION, AND FLEETWOOD IS APPOINTED TO COMMAND THERE.—SETTLEMENT OF IRELAND.—QUESTION OF TOLERATION TO THE CATHOLICS.—PROPOSITION OF UNION.

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1652. Lambert appointed lord deputy of Ireland.

THE next circumstance we have to relate is somewhat in the nature of an intrigue. Lambert was appointed by the parliament to succeed Ireton as lord deputy of Ireland[a]. His commission was for six months. Lambert, though a man of considerable abilities, was distinguished for his vanity and a childish love of minute elegance. He was a florist, and even had some skill in the art of flower-painting. No sooner had he heard of his appointment, being then in Scotland, than he began to make great preparations, and came to London with a large train, having laid out five thousand pounds on his equipage[b]. Bridget Ireton, daughter of Cromwel, and widow of the late deputy, was also

[a] Journals, Jan. 23, 30.

[b] Ludlow, p. 412. Hutchinson, Vol. II, p. 194.

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in London. The widow of Ireton, and the wife of Lambert happened to meet in St. James's Park. It is according to etiquette, that the wife of the prince in possession takes precedency over the widow of the prince deceased. Lady Lambert accordingly assumed the place of honour above lady Ireton. The latter, who had just lost a husband, the noblest and most virtuous in all the commonwealth, was not it seems altogether dead to the pomps and vanities of the world. Fleetwood, second in command in the armies of the commonwealth, came by in the nick of time, when the widow was drowned in tears, or rather was swelling with rage at the slight that had been put upon her. Fleetwood was in mourning, having lost his wife at the very same time that Ireton died. He seized the occasion, consoled her grief, entered into her feelings, and offered his hand. The remedy was obvious. The lieutenant-general of the commonwealth ranked before the deputy of Ireland[c].

1652. Contention of two court-ladies.

Fleetwood marries the widow of Ireton.

Among the other resources of his ambition, Cromwel sought to strengthen his interests with family-connections. He therefore highly approved of the proposed match. The Fleetwoods were a family full of rich and prosperous alliances. But

Cromwel resigns the lieutenancy of Ireland.

[c] Ludlow, p. 414. Hutchinson, p. 195. This story bears a striking resemblance, certainly unobserved by those by whom it is recorded, to one related by Livy, of the two daughters of Marcus Fabius Ambustus. Livy, Lib. VI, cap. 34.

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he did not stop here: and thus he conducted his project. The commission by which he had been appointed lord lieutenant of Ireland was dated on the twenty-third of June 1649, and was for three years[d]; it was therefore on the point to expire. It was moved that it should be renewed. But Cromwel stood up in his place, declared himself satisfied with the honours and authorities already devolved on him, and desired that the proposition might be negatived. A lord deputy without a lord lieutenant was held to be a solecism; it was therefore suggested that Lambert's commission should not be extended beyond six months, and it was offered him that he should then be made commander in chief in Ireland, and one of the commissioners for civil affairs there. But he thought scorn of this diminution of his glories, and sent in his resignation[e]. This was the very thing Cromwel looked for. It was moved that the commander in chief of all the forces should name the commander for Ireland[f]: and, as Lambert refused the office, Cromwel named Fleetwood[g].

Lambert resigns.

Fleetwood named to command.

Cromwel made a double advantage of these circumstances. He persuaded Lambert that it was mere malice and ill will in the parliamentary

Cabal of Cromwel.

[d] Journals, June 15.

[e] Ibid, May 19. Ludlow, p. 413. Whitlocke, May 19. Hutchinson, p. 195.

[f] Journals, June 15.

[g] Ibid, July 9.

statesmen to have deprived him of the title of deputy, which he himself had made it his desire should be continued. He filled this vain man with the most deadly rage against the parliament, who swore that he would not be contented with less than their dissolution; and at the same time bound him in stricter bonds of friendship than ever to himself, who even went so far as to make up from his own purse the loss Lambert had sustained in the affair of his equipage[h].

Conclusion of the war in Ireland.

The war in Ireland was in reality terminated by the surrender of Galway on the sixth of April[i]. The different leaders of the enemy successively threw down their arms, on condition of being assisted in transporting themselves for foreign service[k]. This condition was universally proffered, with an exception only to those who had murdered any of the English, or had been engaged in the rebellion of the first year: these were reserved as examples of criminal justice[l].

Provision for the adventurers in the Irish loan.

Even before the commencement of the campaign certain proceedings were entered upon in England, upon the presumption that the war might be considered as at an end. One of the first steps taken in parliament upon the breaking out of the

[h] Ludlow, p. 414, 449, 450. Hutchinson, p. 196.

[i] Journals, Apr. 21.

[k] Journals, Apr. 8, May 25, Aug. 18. Ludlow, p. 403, 404, 409, 410, 417, 418.

[l] Ludlow, *ubi supra*.

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Irish rebellion was a vote for raising money upon the presumed confiscations that would be made in the country; and it was determined that two millions and a half of acres of Irish land should be set apart, as security to the adventurers in this species of loan[m]. On the thirtieth of January in the present year a vote was made by the parliament, directing the parties to this loan to attend a committee of the house, in order to an arrangement of their claims[n]; and a general meeting of the persons concerned was in consequence held in the city, at which certain individuals were chosen as their deputies, to concert with the parliamentary committee how their interests might most advantageously be provided for[o]. On the sixth of April following, a petition of the adventurers to the committee, was laid before parliament; and it was voted accordingly that it should be referred to the council of state, to consider of the propositions of the adventurers, and to prepare something for the judgment of the legislature tending to the settlement of the affairs of Ireland[p]. They were also directed to distribute the parties surrendering into such classes as *might* be convenient and just, and to consider of a suitable provision for as many of the army of Ireland as should be disbanded[q]. These measures were

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[m] See above, Vol. I, p. 258, 259.
[n] Journals.
[o] Ludlow, p. 394.
[p] Journals.
[q] Ibid, Apr. 20.

afterwards digested in the form of two bills brought into parliament, one to arrange and ascertain the confiscations, and the other to distribute the lands confiscated, according to certain rules, and for certain purposes.

Revolution of landed property in that country.

The measures now adopted amounted to little less than a virtual resumption of the whole extent of the country, from sea to sea, and from the Giant's Causeway north, to Missenhead and Baltimore in the south. The mass of the population, with the exception of a great part of Ulster, of Dublin and a few great towns, and of the counties round Dublin, were Catholics; and all these were made liable either to entire forfeiture, or the loss, in some cases of two thirds, in others of one third of what they possessed. Those most favoured were still, at the pleasure of the commander in chief for Ireland and the parliamentary commissioners, liable to be transplanted from the place of their present residence, and to have assigned them, in the room of the possessions which the parliament ratified to them, lands of equivalent value in some other part of the island[r].

Period of profound peace.

Such an extensive revolution in the property of a country, required a steady hand, and a judgment of infinite sagacity, to conduct it to an auspicious conclusion. The present rulers of England felt themselves equal to the task. They conducted

[r] Scobel, 1652, cap. 13.

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themselves with great severity and strictness; but the result was a period of profound peace, which was turned to the best account, inasmuch as it was occupied in setting out of lands, granting or confirming titles to property, erecting public buildings, and effecting various other improvements[s].

Act of settlement.

The persons excepted by name from pardon for life or estate, were the earls of Ormond, Clanricard and Castlehaven, with three other earls, ten viscounts, six barons, and upwards of eighty private individuals. Every person was in like manner excepted, who should be found to have been in rebellion, or concerned in murders or massacres, previously to the tenth of November 1642, when the first general assembly sat at Kilkenny, and consequently there was a Catholic government adequate to the commanding and requiring the obedience of its subjects. All persons, who had been officers in the Catholic armies, were banished, and two thirds of their estates confiscated to the public use. The commissioners were also authorised to confiscate two-thirds of the estates of all others, whom they should judge worthy of such punishment. All Catholics universally, except such as had constantly manifested their good affection to the commonwealth, were to lose one third. Such as had no estates to the value of ten

[s] Cox (afterwards Lord Chancellor of Ireland), History of Ireland, Vol. II, Account of Transactions since 1653, p. 1.

pounds, and were not comprehended in any of the former exceptions, were freely pardoned. The act of confiscation passed into a law on the twelfth of August[t].

Act for distributing the confiscated lands.

The principal provisions of the other bill, for distributing the lands thus confiscated, were these. Ten counties, namely, Limerick, Tipperary and Waterford in Munster, King's County, Queen's County, West Meath and East Meath in Leinster, and Down, Antrim and Armagh in Ulster, were appropriated, so much of each as were forfeited, one half for the satisfaction of the adventurers who had advanced money for the conquest of Ireland, and the other half for discharging the arrears of the army, which had accrued since the fifth of June 1649. The forfeited lands in the counties of Dublin, Cork, Kildare and Carlow, were reserved for the disposal of parliament. The rest of the forfeited lands in the provinces of Munster, Leinster and Ulster, were appropriated, first, to the making up the deficiencies, if any, in the produce of the ten first named counties, secondly, to discharge the arrears of the army, which had accrued before the fifth of June 1649, and thirdly, for the satisfaction of debts of whatever kind, that should appear to be due from the public. There was also a reserve made for the erection of free schools, and the setting up of manufactures, for

[t] Scobel, 1652, cap. 13.

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building places of worship and bridges, and for the making of highways. The rest were to be sold or let to such Protestants as might be inclined to occupy them. The province of Connaught and all lands west of the Shannon were assigned for the future residence of the Irish Catholics[u].

Delays in passing this act.

The bill for the distribution of lands was read for the first time on the fifth of August, and for the second time on the day following, when it was referred to a select committee of twenty-three persons[w]. From this time, in consequence of the contentions that arose between Cromwel and the parliament, it was suffered to sleep till the beginning of the following year. On the fifth of April the report of the committee was brought up[x], and the amendments were debated four times in the course of that month[y]. It did not finally become a law till towards the end of September[z].

Question of the toleration of the Irish Catholics.

One of the most searching questions which at this time came before the rulers of England, was that which related to the toleration of the Catholics of Ireland. They constituted an immense majority of the inhabitants of the country; and it must appear absurd to any enlightened mind, to forbid to a nation the means of worshipping God according to the dictates of their consciences. At the same time the prejudices prevailing against

[u] Scobel, 1653, cap. 12. [w] Journals. [x] Ibid.
[y] Ibid, Apr. 7, 14, 15, 19. [z] Scobel, *ubi supra*.

the Catholics in England were of the most formidable nature. The idea that Charles the First was forward to have recourse to their aid in the civil war, had no mean influence in deciding the issue of the contest. The circumstances that marked the commencement of the rebellion in Ireland, and the murders and massacres which had attended it in an early stage, greatly increased these prejudices. It is no wonder therefore, if men, enlightened on so many other subjects, were found to have narrow and ignoble thoughts on this. 1652.

The question was distinctly brought forward in the negociations between the Catholic forces in Leinster and the Irish government, early in the month of May. The Catholics were earnest in insisting on the free exercise of their religion; but the commissioners would go no further than to declare, that it was neither the principle nor practice of the authority they served, to impose any mode of worship on their subjects by violent means[a]; and they referred to an act of the twenty-seventh of September 1650, by which the parliament yielded full liberty in that particular. The Irish were so circumstanced at this time, that they could only call upon the benignity of parliament for further indulgence. But they were disappointed in their hopes. The house confirmed the concession made by their commissioners, by a- It is negatived.

[a] Ludlow, p. 416, 417.

BOOK III. 1652.

small majority, of which Vane and Marten were the tellers; but they proceeded to resolve, that this did not extend to the allowance of the exercise of the Popish religion in Ireland, or to the least toleration in that particular[b].

Proposition of union.

The idea however of a union between the two countries of England and Ireland was cherished; and, on the same day on which it was voted to take into consideration the number of representatives that Scotland should send to the parliament of the commonwealth, a similar direction was given on the subject of Ireland[c].

[b] Journals, June 1.

[c] Ibid, Dec. 15. Much is here left in obscurity respecting the government of Ireland under the reign of the commonwealth and of Cromwel. I have been anxious to obtain the most accurate information on the subject. But I have met with unexpected difficulties and delays. I must therefore reserve the full elucidation of the question for my concluding volume.

CHAPTER XXI.

JOHN LILBURNE.—SENSE IN WHICH HE TAKES THE ENGAGEMENT.—HIS PECUNIARY CLAIMS ON THE PUBLIC DISCHARGED.—ENGAGES IN A FURTHER ADVENTURE.—ATTACKS THE COMMITTEE OF SEQUESTRATIONS FOR DURHAM, AND THE COMMITTEE FOR DELINQUENTS' ESTATES. —HE IS BANISHED FOR LIFE.—WENDY OXFORD. —OFFICE OF LICENCER OF THE PRESS EXTINGUISHED.—PROSECUTIONS OF PRINTERS AND AUTHORS. — MARCHAMONT NEDHAM. — CLEMENT WALKER.

CHAP. XXI.

1649. John Lilburne.

THE course of events now brings us once more to John Lilburne. After his acquittal in October 1649, he remained quiet for nearly two years, with one small exception. At the annual election immediately subsequent to his trial, he was chosen a common councilman for the city of London, which election was a few days after declared void by the parliament[a]. In the interval however he was called on by the alderman of the ward to take the engagement to be true and faithful to the commonwealth

Sense in which he takes the engagement.

[a] Journals, Dec. 26.

BOOK III. 1649.

as now established, without king or house of lords; and he published a small tract, sophistically explaining, that by the commonwealth he understood the constitution of England, which had stood the test of ages, and, by abjuring a king, to declare his unaltered abhorrence to an absolute and arbitrary king[b].

His pecuniary claims on the public discharged.

1650.

Shortly after his trial he obtained from sir Arthur Haselrig, as he says by threats of assassination, eight hundred pounds, in part of the money due to him for reparation of his sufferings in the court of star-chamber[c]. And, upon Cromwel's return from Ireland, he prevailed on that generous man, in conjunction with Henry Marten, to procure an act of parliament to be passed to satisfy him for what remained due, by a grant out of the dean and chapter's lands, at ten years' purchase[d].

1651. His uncle, George Lilburne, gets possession of certain mines in Durham.

He is ejected.

It was not long however before he gave proofs of a restless and turbulent disposition. An uncle of his, George Lilburne, had, in 1647, gained possession of certain mines in the county of Durham, worth three thousand pounds a year, upon an obscure and doubtful title[e]. The cause coming to be heard before the committee of sequestrations of the county, of which sir Arthur Haselrig was chairman, George Lilburne was ejected in 1649[e].

[b] Reasons for Taking the Engagement, *passim*.

[c] See above, p. 80. Just Reproof to Haberdashers' Hall, p. 6.

[d] Just Reproof, p. 6. Journals, June 27, July 16, 23, 30.

[e] Lilburne Tried and Cast, p. 4, *et seqq*.

From the committee of sequestrations for the county the losing party appealed to the committee for compounding delinquents' estates at Haberdashers' Hall; and here in like manner the cause was given against him in 1651[f].

Lilburne attacks the committee of sequestrations for Durham, and the committee for compounding delinquents' estates.

John Lilburne, in addition to his propensity for fishing in troubled waters, found this case very much to his taste. The losing party was his uncle; the chairman of the court by which he had been ejected, sir Arthur Haselrig, had been again and again the object of Lilburne's fury and resentment. This indefatigable author therefore soon brought out, in August 1651, a virulent tract, entitled a Just Reproof to Haberdashers' Hall. In this tract, taught by past experience, he no longer scruples to call the present house of commons the parliament and the supreme authority of the nation. By this he thought to screen himself from their hostility. But he loads Haselrig with every ignominious epithet, and says of the committee for compounding, that they were "unjust and unworthy men, fit to be spewed out of all human society, and deserving worse than to be hanged." Of this tract no notice was taken.

Presents a petition to parliament on the subject.

Encouraged by this impunity, he next joined with Josiah Primate, the pretended principal of whom George Lilburne alleged that he bought the mines, in a petition to the parliament, in which all his charges against Haselrig are enumerated

[f] Ibid, p. 10, 11, 12.

BOOK III. 1651.

and specified. This petition was presented in December[g]. Haselrig was a member of the council of state as long as the commonwealth existed, a leading independent, and much beloved by all the most considerable republicans. The parliament was scandalised at the gross attack that was made upon him. They thought no doubt that they had purchased the peaceable behaviour of Lilburne, when they passed the act which Cromwel and Marten had proposed in his favour. Now that he had embodied his charges in a petition which he had ventured to present to the house, they determined not to pass them over in silence.

It is referred to a committee.

They appointed a committee of fifty members, among whom were Whitlocke, Marten, Vane and Algernon Sidney, to enquire into the reality of the injustice and tyranny alleged in the petition[h]. Lilburne owned the paper, and no longer declined answering interrogatories. The committee sat twelve times, heard all parties, and examined all the witnesses and documents that were produced[i]. On the fifteenth of January they made their report; and the house proceeded formally by eight distinct votes to negative the articles stated in the petition[k]. The conclusion of the business was, that Lilburne was sentenced to pay three thousand

1652. The petition condemned.

Sentence on Lilburne.

[g] Journals, Dec. 23.
[h] Ibid.
[i] Lilburne Tried and Cast, p. 15. Lilburne, Apologetical Narration, p. 48.
[k] Journals.

pounds to the state, two thousand as damages to Haselrig, and five hundred pounds apiece to the four members who had signed the decree of the committee for compounding, and to be banished for life[l]. The like fines were imposed upon Primate, and he was ordered to stand committed to the Fleet till they were paid[l]; but, some months after, upon his submission he was discharged[m].

Confirmed by act of parliament.

An act was immediately brought in, and passed before the end of the month, for the execution of the judgment in parliament against Lilburne[n].

Its extreme rigour.

The sentence pronounced upon this turbulent man was undoubtedly most rigorous. His crime was defamation; the punishment by law is fine and corporal punishment[o]. But never in good times has such a punishment been inflicted for such an offence, as banishment for life.

We are also to consider the court by which the sentence was pronounced. The trial, such as it was, was before a committee of parliament; and the sentence was pronounced by the parliament itself; the house thus assuming to itself at one and the same moment the legislative function, together with those of judge and jury. The great securities that have been invented for the due administration of justice have been in the division of these functions, so that each authority in turn might be

[l] Ibid, Jan. 15, 20.
[m] Ibid, Apr. 7.
[n] Ibid, Jan. 21, 29, 30.
[o] Blackstone, Book IV, Chap. xi.

BOOK III. 1652.

a check upon the misapprehension, the bias or passion of another. But all these were confounded and annulled in the present transaction.

Reflections.

To judge rightly however of this proceeding, we are bound to recollect the peculiar situation of the legislative authority at this crisis. The English constitution had vested the power of making laws, and a species of what has been styled omnipotence, in king, lords and commons. But kingship and the house of lords had been abolished. The supreme national authority had been declared to be in the commons in parliament assembled. We are not therefore to confound the present proceedings with the arbitrary power sometimes assumed by the house of commons, when the house of commons is merely what has been called the third estate in parliament. By Fairfax's Agreement of the People it was decided, that "the power of parliament [that is, of the representatives of the commons of England] extended to the erecting and abolishing of courts of justice and public offices, to the enacting, altering and repealing of laws, and to *the exercise of the highest and final judgment concerning natural and civil things, but not concerning things spiritual and evangelical*[p]." In this respect the house of commons stood in the place of the house of lords, to whom the English constitution attributes the power of deciding on

[p] See above, p. 48.

all causes in the last resort, and the trial of criminals by impeachment or otherwise. Accordingly, the lord chief justice [probably Glyn] says, in the case of Naylor, "Whatever authority was in the houses of lords and commons, the same is united in this parliament[q]."

But, however this might be theoretically true, nothing but extreme necessity could make it advisable in parliament to assume the judicial authority in such cases, where the jurisdiction in regular course belonged to the courts below. They were of opinion that the present was a case of such necessity. They were unwilling to trust to a jury in cases that were mixed with political considerations, and least of all when the offender was Lilburne; and high courts of justice were never constituted but for the trial of capital offences. Perhaps too, the defamation being contained in a petition presented to parliament, and having for its object one of their own members, they considered it as matter of privilege, and so falling peculiarly under their own jurisdiction.

Instances of the assumption of judicial powers by this parliament.

In fact, however, the parliament had displayed an unbecoming proneness to the assuming to itself judicial powers. On the second of February 1650, three persons, who were pronounced guilty of conspiracy and subornation against sir Jacob Garrard, were ordered by the house to stand in the pil-

[q] Parliamentary Diary, Vol. I, p. 30.

BOOK III. 1652.

lory[r]. Whitlocke observes on the occasion, "Thus the house took upon them and exercised all manner of jurisdiction, and sentenced persons at discretion, which was disliked by many lawyers of the house (of which I was one); and we shewed them the illegality and breach of liberty in those arbitrary proceedings." But he passes over the sentence of Lilburne without a comment. Marten however divided the house on this occasion, and objected to any farther proceeding[s].

Fraudulent nature of Lilburne's transaction.

Part of the crime of Lilburne, if he were guilty, was a conspiracy fraudulently to retain possession of an estate, to which neither he, nor the persons with whom he acted, had any just title. This was a crime punishable by the statute of the thirty-third of Henry the Eighth, and liable to be tried in the ordinary courts[t]. There was indeed in this case no private prosecutor. Wray, who had possessed the estate, before Primate appears to have been heard of, was a recusant and delinquent, and his estate under sequestration[u]: so that the injury intended was principally to the public. At all events the parliament was determined to proceed summarily, and not trust to the tedious and uncertain issue of suits of law with such a defendant. They were too happy, to have Lilburne at their mercy in a

[r] Journals. [s] Journals, Jan. 15.
[t] Blackstone, Book IV, Chap. xii.
[u] Lilburne Tried and Cast, p. 6.

merely private and family question, which he appears to have pursued without any regard to modesty or justice.

1652.

It is sufficiently memorable that, on the twenty-fifth of June in the preceding year, on a charge of bribery (the afterwards infamous) lord Howard of Escrick was expelled from parliament, and ordered to pay a fine of ten thousand pounds[w]; and captain Wendy Oxford, his accomplice, was voted to stand in the pillory, and be banished for life[w]. And this Lilburne, in his Just Reproof to Haberdashers' Hall, has called "a gallant piece of justice[x]."

Sentence of lord Howard of Escrick,

and of Wendy Oxford.

One of the early errors of the government of the commonwealth, was in relation to the liberty of the press. But we must consider that the salutary effects of the immunities of literature, like those of the freedom of religious opinion, constitute a point concerning which we can only be made thoroughly judges by experience. The present rulers were deeply imbued with just sentiments on the latter of these two questions, but not so with respect to the former. They also considered that the frame of their government was a new one, and that it could not be expected to have the stability of a constitution handed down to us from our ancestors.

1649. Restrictions on the liberty of the press.

[w] Journals. The fine was afterwards remitted. Journals, Apr. 5, 1653.

[x] p. 40.

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1649. Resignation of Mabbot the licencer.

Notwithstanding these disadvantages, one of their earliest measures was the extinction of the office of a licencer of the press. This may fairly be considered as the result of Milton's Areopagitica. Mabbot, the licencer, made a representation to the council of state of the reasons why he conceived the existence of such an office improper; one of which was, "Because licensing is as great a monopoly as ever was in this nation, in that all men's judgment and reasonings are to be bound up in the licencer's; for, if the author writes not to please the fancy of that officer, he is not to receive the stamp of authority enabling him to publish." In consequence of this representation, a committee of the council of state having declared themselves satisfied with Mabbot's reasons against the office, his resignation was accepted on the twenty-second of May [y].

Copies of Eikon Basilike seized.

But, though the government did not think it right that the speculations of literary men should be stifled in the birth, they were nevertheless of opinion, that authors should be held responsible, penally in certain cases, for the tendency and effects of what they published, and they repeatedly interposed their authority when circumstances in their apprehension appeared to demand it. The first book that exercised their vigilance was the Eikon Basilike, or, as they termed it, "the book

[y] Journals. Perfect Diurnal, No. 304.

now printing or printed under the name of the book of the late king." The vote is of the date of the sixteenth of March, and directs that the copies should be seized at the press[z]. This seems to ascertain the time at which this celebrated production first was heard of. 1649.

Milton directed to examine Englands New Chains.

We have seen what were the proceedings of government respecting the publications of John Lilburne at this time. And Milton was ordered by the council of state to prepare some observations on the first of them, entitled Englands New Chains[a].

Translation of the Alcoran suppressed.

The next interference of government in a matter of this sort, is of a nature to excite a smile. It was to suppress the publication of a translation of the Alcoran[b]. Did they seriously think that the promulgation of the writings of Mahomet was calculated to shake the stability of the Christian religion in this country?

Mercurius Pragmaticus.

A short time after, their attention was called to a weekly news-letter, called Mercurius Pragmaticus. The editor, Marchamont Nedham, was ordered by the council of state to be taken into custody; and, a few days after, Milton received directions to examine and report the character of the publication[c]. The editor lay concealed for a

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[z] Journals.

[a] Order Book, Mar. 26.

[b] Journals, Mar. 19, 21.

[c] Order Book, June 18, 23.

BOOK III.

time in the house of Dr. Peter Heylin, but at length was discovered, and committed to Newgate[d].

1649.

1643. Adventures of Marchamont Nedham.

Nedham was too extraordinary a man in these times, not to make it proper that we should pause for a moment to enter into his history. At the age of twenty-three he commenced a weekly newspaper under the title of Mercurius Britannicus. This paper was altogether on the side of the parliament against the king. It was continued from August 1643 to the end of 1646[e]. In the following year, from whatever cause, an affront put upon him by the leaders of his party, or that he fell in company with some of the cavaliers, being himself like them gay and full of a convivial spirit, he changed his principles, was introduced to the king, then a prisoner at Hampton Court, professed his compunction for all past offences, and commenced a new series of papers, under the title of Mercurius Pragmaticus, which were altogether as vehement and scurrilous against the republicans, as their predecessors had been against the king[f].

1647.

1649.

This was the man that now fell under the censorship of the rulers of the commonwealth. Nedham however had small disposition to become a martyr. He had nothing about him of the high tone and the disinterested self-devotion which characterised a few of the old cavaliers. He opened

[d] Athenæ Oxonienses, Vol. II, p. 626.

[e] Ibid, p. 627.

[f] Ibid, p. 626.

a negociation with Lenthal, the speaker, who knew him and his relations well, and with Bradshaw[g]. He published a tract of ninety-four pages, with his name, entitled, The Case of the Commonwealth Stated, in Two Parts, with a Discourse of the Excellencie of a Free State above a Kingly Government[h]. Shortly after, he commenced a new series of newspapers, under the title of Mercurius Politicus, on the side of the present rulers[i]. This publication he continued in behalf of the commonwealthsmen or of Cromwel, till the period of the Restoration; nor does he appear ever, like so many others, to have changed his creed on the revival of the monarchy[k].

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[g] Ibid.

[h] This piece, in the copious and almost perfect collection of tracts published between 1640 and 1660, called the King's Tracts, in the British Museum, on each of which the collector has inscribed the month and day of the month when they were purchased, which is ordinarily the day of publication, is marked, May 8, 1650.

[i] The first number of the Mercurius Politicus appeared 13 June 1650, and has for its first sentence, "Why should not the commonwealth have a fool, as well as the king had?" Wood talks as if there had been a Politicus previously to this date: but I find no trace of it in the collection of the King's Tracts.

[k] In a book, entitled, The Posthumous Works of Samuel Butler, which seems to be a miscellaneous depository of the pleasantries of the times, Vol. II, p. 161, I find a pretended will of Philip earl of Pembroke, who died Jan. 23, 1650, written by I know not whom, and which therefore there is no particular reason to attribute to Nedham. But, as it affords a specimen of the ludicrous compositions of that age, and, in so far, an illustration of the style in which

BOOK III. 1650.

It is but just we should mention that he is enumerated afterwards among the intimates of Milton[l]. It is somewhat curious that this sublime poet, who is usually considered as the gravest and most austere of mankind, should have numbered among his chosen companions, Nedham and Marvel[m], men otherwise of great talents, but who were

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Nedham and his contemporary satirists were supposed to excel, I will insert here an extract of this production.

"*Imprimis.* For my soul, I confess I have heard very much of souls, but what they are, or whom they are for, God knows, I know not; they tell me now of another world, where I never was, nor do I know one foot of the way thither. While the King stood, I was of his religion, made my son wear a cassock, and thought to make him a Bishop; then came the Scots, and made me a Presbyterian; and, since Cromwel entered, I have been an Independent. These, I believe, are the kingdom's three estates, and if any of these can save a soul, I may claim one; therefore, if my executors do find I have a soul, I give it him that gave it me. *Item.* I give my body, for I cannot keep it, to be buried. Do not lay me in the church porch, for I was a Lord, and would not be buried where Colonel Pride was born. *Item.* My will is, that I have no monument, for then I must have epitaphs and verses, and all my life long I have had too much of them. *Item.* I give all my deer to the Earl of Salisbury, who I know will preserve them, because he denied the King a buck out of one of his own parks. *Item.* I give nothing to the Lord Say; which legacy I give him, because I know he will bestow it on the poor. *Item.* To Tom May I give five shillings; I intended him more: but all that have seen his History of the Parliament, think five shillings too much. *Item.* I give Lieutenant-General Cromwel one word of mine, because hitherto he never kept his own. *Item.* I give up the ghost."

[l] Athenæ Oxonienses, Vol. I, Fasti, p. 265.

[m] Aubrey, Lives, p. 444.

eminently distinguished for broad satire, sportive sallies and buffoonery.

1649. Clement Walker.

The next writer, who became an object of the severity of the commonwealth-government, was Clement Walker, the author of the History of Independency. He did not come in scurrility behind Lilburne, or any other libeller of the day. The Second Part of the History of Independency is brought down to the ninth of September, about which time it was published. And on the twenty-fourth of October Milton, with another person, was directed by the council of state to examine the author's books and papers which had been seized[n]. In the following month Clement Walker was committed prisoner to the Tower[o]. It was an additional misfortune in these times, when trial by jury for political offences was suspended, that the person who fell under the displeasure of the government, could not foresee any time when he should be either convicted or released. Clement Walker remained in confinement nearly two years, and at length died in the Tower in October 1651[p].

1651.

1649. Act restraining the liberty of the press.

The office of licencer being abolished, it was judged necessary to make a further legal provision against the abuses of the liberty of the press. A bill was brought in for that purpose under the auspices of the council of state on the ninth of August, and passed into a law on the twentieth of Septem-

[n] Order Book. [o] Athenæ Oxonienses, Vol. II, p. 146. [p] Ibid.

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ber[q]. This act imposed a short imprisonment and a small fine upon the printer, publisher and vender of any scandalous or libellous book or pamphlet. It further gave authority to certain persons to search for such books, to confiscate the copies, and destroy the presses at which they were printed. It required that the printer's name should be set to every book that was published. It imposed a fine of twenty shillings upon the purchaser of every seditious or libellous book, who did not within twenty-four hours apprise the nearest magistrate of its contents, and surrender his purchase. It forbade all printing, except in London, Oxford, Cambridge and York. It provided that no newspaper should be published, without a licence from the clerk of the parliament, the secretary of the council of state, or the secretary of the council of the army. It required all printers to give security to the amount of three hundred pounds that they would not print any thing seditious, scandalous or treasonable. It suppressed the occupation of hawking, and ordered that all hawkers should be whipped as common rogues, and immediately after dismissed. This act was to continue in force till 1653. the twenty-ninth of September 1651[r]: and, having expired, it was renewed, without limitation of time, on the seventh of January 1653[s].

[q] Journals. [r] Scobel, 1649, cap. 60. [s] Ibid, 1652, cap. 34.

CHAPTER XXII.

HOSTILE FEELINGS WITH WHICH THE COMMONWEALTH-GOVERNMENT IS REGARDED BY FOREIGN POWERS.—SITUATION OF THE GOVERNMENT OF THE UNITED PROVINCES.—EMBASSY OF DORISLAUS.—HE IS ASSASSINATED.—CHARLES WITHDRAWS FROM THE HAGUE.—ENTERPRISES OF RUPERT.—APPOINTMENT OF ENVOYS.—DISTRIBUTION OF THE NAVY.—REPRISALS ON PORTUGAL.—REPRISALS ON FRANCE.—VACILLATION OF THE COURT OF MADRID.—ASSASSINATION OF ASCHAM.—CONCLUSION OF RUPERT'S ADVENTURES.

1649. Hostile feelings with which the commonwealth is regarded by foreign powers.

It is time that we should take a general view of the policy of the rulers of the commonwealth with regard to foreign powers. The new government of necessity began its administration without a particle of friendly relation with any of the neighbouring states. By an act of the seventeenth of April, the purpose of which was to decide what ships, taken at sea, should or should not be lawful prizes, they declared their intention to uphold, maintain and keep, and their readiness to renew, all existing leagues and amities between this and

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foreign nations and states[a]. But, in their instructions to Blake, dated the seventeenth of January following, they remark that no like and reciprocal declaration had yet been published by any of the other European governments[b].

Doubtful character of its government.

Foreign nations looked on with astonishment at the great event of the thirtieth of January. All sovereign princes unquestionably felt that their own prerogatives and supremacy were attacked on that occasion, and were impressed with proportionable horror. The subjects of such princes entertained a general sentiment of the inviolability of the person of a king, and in the first instance regarded the nation that had trampled on that sentiment as a race of savages and monsters[c]. Add to which, it was impossible not to ask what sort of government was now left within the boundaries of England. Of the three acknowledged branches of the English constitution, the monarchy

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[a] Scobel, 1649, cap. 21. [b] Thurloe, Vol. I, p. 135.

[c] When Fox said, "It is much to be doubted whether the trial and execution of Charles the First have not, as much as any other circumstance, served to raise the character of the English nation in the opinion of Europe in general" (See above, Vol. II, p. 685), this must be understood, as applying to the posterity of those in whose time the event occurred, and as referring to the fact after it had already become matter of history. We may be sure, that it excited no such feeling at the instant, and that it was necessary for those concerned in it to shew by their subsequent conduct that they were great men and heroes, before any thing like admiration would attend the action they performed.

was taken away, the house of lords was abolished, and the house of commons was violently reduced to less than one third of its full complement of members. It was plain that the army for the present had used the power accidentally placed in their hands, to usurp an authority. What respect ought to be paid to such an usurpation? What reliance was to be placed on the stability of a government thus occupied by violence? It was plain, that, if the rulers of the commonwealth looked for any respect or any fraternal feelings from foreign powers, they must acquire it by the wisdom of their measures, the firmness of their proceedings, and the vigour of their preparations.

Dorislaus sent as their agent to the Hague.

Their first attempt, in the article of intercourse with foreign powers, was sufficiently unfortunate, and seems to have been no less injudicious. It was in the mission of Dr. Dorislaus as their agent to the states general of the United Provinces. He arrived at the Hague in the beginning of May[d], about three months after the death of Charles the First.

May 3.

State of parties in the United Provinces.

The republic of the United Provinces had intimate commercial connections with England; and commerce was the main spring that guided their deliberations. The English rulers also seem to have expected a particular sympathy in the go-

[d] Journals, May 10, 14.

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vernment of that country, the people of which had in the preceding century shaken off the tyranny of Philip the Second, and had led the way to England in declaring themselves a commonwealth. There were other circumstances however that balanced these advantages. William the Second, prince of Orange, and stadtholder of the United Provinces, had married a sister of Charles the Second. He was a prince of promising abilities, of great ambition, and was thought to aspire to make himself king of Holland. He was strongly disposed to favour the house of Stuart. There were at this time two parties in the Dutch republic that nearly balanced each other: that of the stadtholder, who bore a friendly disposition to the exiled monarch, and the republican party, who in a certain sense entered into the views of the English commonwealthsmen. The first of these parties had the predominance in the assembly of the states general, and the latter in the states of Holland.

Charles the Second resides at the Hague.

Under the protection of his brother-in-law, Charles the Second had in the preceding autumn fixed his residence at the Hague[e]. When his father was brought to his trial, he prevailed on the states general to send an embassy to London, to interpose their credit and authority with the two houses that they should enter into terms of accom-

[e] Clarendon, Life, Vol. I, p. 109.

modation with the fallen sovereign[f]. But the parliamentary leaders, aware of the distracted councils of the Dutch government, did not return an answer to the application of the ambassadors till sixteen days after the death of Charles the First. The parliament and the ambassadors parted in terms of great civility[g]: and mention presently followed, of the intention of the English government to send an ambassador or envoy to the states, in addition to their ordinary resident, Strickland, to give an account of their affairs, and invite the Dutch to a nearer alliance[h]. This envoy was Dorislaus. He was a native of Holland; and the parliament thought that they were paying a particular compliment to that country, by sending one of their own people to conduct the negociation. He had however settled in England in the beginning of the civil war, and had unfortunately been appointed one of the counsel to conduct the prosecution of the king. It does not appear that he opened his mouth in the trial; but he was understood to have been particularly employed in drawing up the indictment or charge[i].—In balance of the forbearance and impartiality manifested by the Dutch towards the parliament, the states general are said to have presented themselves in a body to Charles the Second two or three days after the news of his

Mission of Dorislaus.

His character.

States general condole with Charles on the death of his father.

[f] Clarendon, History, Vol. III, p. 242. [g] Journals, Feb. 15.

[h] Clarendon, p. 277. [i] Athenæ Oxonienses, Vol. II, p. 339.

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father's death, to condole with him on that event[k]. We are left to conjecture in what terms the condolence was expressed, and whether they addressed the prince as having now rightfully succeeded to his father's throne.

The Hague, how circumstanced on the arrival of the envoy.

When Dorislaus arrived at the Hague, this little town was already crowded with emigrants and parties from Great Britain. Charles the Second and the duke of York, with their ministers and attendants, were there; Montrose, and his officers and servants; the duke of Hamilton and Lauderdale, who had fled their country in consequence of the part they had taken in the engagement; and the earl of Cassilis and other commissioners, who had been sent by the presbyterian government of Scotland, to invite Charles to come and place himself at their head[l]. In the midst of these gay and high-spirited companions, Dorislaus arrived. He seems to have come privately and with few attendants. We are told that he took up his lodging at an hotel, or house of common resort, and that very evening sat down to supper at the public table. During the repast six persons entered in masks, and, desiring the rest of the company not to disturb themselves, drew Dorislaus from the table, dispatched him with their swords, and immediately withdrew. The assassins, we are told, were all Scots, and most of them depen

He is assassinated.

[k] Clarendon, p. 276. [l] See above, p. 206.

dents of Montrose. They boasted of what they had done, and said this was the treatment reserved for the murderers of the king[m].

Conduct of the parliament on the occasion.

The parliament took into consideration the murder of Dorislaus, and ordered a provision to be made for his family. They further issued a declaration, announcing that the lives of those excepted from pardon should be made answerable for this assassination[n]. The funeral took place in Westminster Abbey, and was attended by the parliament, the council of state, the commissioners of the great seal, and the judges[o]. There was also a communication between the parliament and Joachim, the ambassador in ordinary from the states general, in which the house expressed itself satisfied with the affectionate interest shewn by the states of Holland in the outrage committed, adding that they did not doubt that they should find the same friendly sense in the states general. They at the same time referred it to the council of state to consider of the propriety of sending an ambassador extraordinary for settling a more near and firm union between the two nations[p].

Charles retires to Breda.

In Holland it was intimated to the king from certain members of the provincial states, that they

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[m] Clarendon, p. 293. Athenæ Oxonienses. Thurloe, p. 174. Whitlocke, May 9, says the assassins were English cavaliers.

[n] Journals, May 14, 18. Whitlocke.

[o] Journals, June 11. Whitlocke.

[p] Journals, May 18.

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felt the character of the republic compromised by so atrocious a violence committed in their very residence upon the person of a public minister; and, without pretending that Charles was in any way implicated in the crime, they suggested to him the propriety of his choosing some other residence. The king, to prevent his being officially told to retire, applied to the states of Holland for an audience of leave, and, quitting the Hague on the fifteenth of June, withdrew to Breda[q].

Offensive conduct of the states general.

On the other hand, the remainder of the year passed in a controversy between the states general and the provincial states of Holland, on the question of admitting Strickland, the resident for the commonwealth, to a public audience, which the provincial states zealously urged, and the states general as constantly refused[r].

Revolted ships under the command of Rupert.

The first naval enemy which the new commonwealth had to encounter, was prince Rupert, with what remained of the revolted ships of the preceding year, after Warwick's successful pursuit of them to the coasts of Holland[s]. This fleet sailed for Ireland in December 1648; and, by attacking the English commerce, and occasionally making valuable prizes, both added to their force, and provided for their subsistence[t]. The English naval

[q] Clarendon, p. 294, *et seqq.* Heath, p. 236.
[r] Thurloe, Vol. I, p. 113, *et seqq.* Journals, Sept. 14.
[s] See above, Vol. II, p. 560.
[t] Clarendon, p. 297. Thurloe, p. 115, 142.

affairs were under the able administration of Vane, and they had for their principal commander the celebrated Blake[u]. This officer sailed with a squadron to counteract Rupert about the middle of the year, and presently succeeded in blocking him up in the harbour of Kinsale[w]. Towards autumn however, Cromwel having taken the command of the army in Ireland, and the condition of the place growing desperate, Rupert found it necessary to force his way, and gain the open sea, as speedily as he could. This he effected, notwithstanding all the opposition Blake could interpose; at the same time that he lost three of his ships in the achievement[x]. CHAP. XXII. 1649.

1650. Envoys sent by the parliament to other states.

The first step taken by the parliament respecting foreign affairs in the commencement of the year 1650, was the appointment of three envoys or agents, Anthony Ascham to Madrid, Charles Vane to Lisbon, and Richard Bradshaw to Hamburgh[y], the two latter doubtless related to the two eminent statesmen of the same name[z].

Rupert in the port of Lisbon.

Rupert, on his retreat from the coast of Ireland, appears immediately to have sailed for Portugal,

[u] See above, p. 35.

[w] Whitlocke, June 25. Ludlow, p. 291. Carte, Life of Ormond, Vol. II, p. 75.

[x] Britains Triumphs, p. 10. Whitlocke, Oct. 5.

[y] Journals, Jan. 31.

[z] Charles Vane was brother to sir Henry Vane. Order Book, Nov. 19, 1649.

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finding that situation commodious for annoying the trade of England, and doubtless encouraged by secret promises of favour from the king of the country. Blake was therefore fitted out in January to pursue him wherever he might be, and to attack and destroy his fleet[a]. He found Rupert in the port of Lisbon; and, having landed Vane, the envoy, that gentleman immediately obtained two audiences of the king[b]. The object of these audiences was to announce to that prince the purpose of the English admiral to enter the harbour, as by treaty he was entitled to do. He stated, that the ships previously moored in the port of Lisbon, were a part of the navy of England, fitted out and equipped by the parliament, and manned by their own servants; that the mariners had perfidiously apostatized, had run away with their ships, and turned pirates and sea-robbers; that they had no home, and could be regarded only as enemies of the human species, and of all the laws of civilised intercourse, and that Blake was therefore commissioned by the commonwealth of England to attack, take and destroy them; and he desired the king, if he would not order them out of his harbour, that at least he would not take it ill that the English commander, commissioned for that

Pursued by Blake.

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[a] Thurloe, p. 134, 135, 136.

[b] Ibid, p. 141. Milton, Literæ Senatus Anglicani, Apr. 27.

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purpose, should enter the port, and fall upon them there[c].

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The only answer that could be obtained to this remonstrance was, that the king of Portugal could suffer no more English ships of war to enter his harbour, than were there already[d]. To soften his refusal, he at the same time sent one of his most considerable nobles to wait on Blake in his admiral's ship, with a complimentary message, and a handsome present of provisions[e]. Blake attempting, notwithstanding this prohibition, to force his way, the castles, built for the protection of the port, fired upon him, and obliged him to desist[f].

Conduct of the court of Portugal.

The council of state no sooner heard of the refusal of the king of Portugal, than they commissioned eight ships more, under the command of Popham, to reinforce Blake, as well for the purpose of reducing the revolted ships, as of making reprisals upon the Portuguese, if the answer already given were persisted in[g]. Dean, the remaining vice-admiral of England, was at the same time fitted out with a squadron for the protection of the channel[h].

Blake reinforced.

The Brasil trade of the Portuguese laid that people particularly open to such reprisals as the state of the case might seem to demand; and Blake,

Reprisals made on the trade of Portugal.

[c] Thurloe, p. 142, 143. Milton, Literæ.
[d] Thurloe, p. 141, 145.
[e] Whitlocke, Apr. 10.
[f] Ibid. Heath, p. 256, 267.
[g] Thurloe, p. 144, 145.
[h] Ludlow, p. 291.

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according to his instructions, took the earliest opportunity to seize five vessels, richly laden with commodities from America; at the same time signifying to the court of Lisbon, that, unless Rupert were ordered out of the harbour, he should proceed in like manner with the rest of the Brasil fleet, as fast as they arrived[i]. No overtures of concession having been made, he in a short time after encountered a fleet of merchantmen bound from Lisbon to Brasil: but in this instance he appears to have contented himself with capturing nine ships, the property of the English fugitives, and suffered the rest to proceed on their voyage[k].

English envoy withdraws from Lisbon.

Matters hastening now to a state of open warfare, and it being sufficiently evident that no present redress would be obtained in the way of negociation, Vane, the envoy, secretly withdrew, and put himself on board Blake's fleet; at the same time that the English merchants resident in this capital, who adhered to the parliament, were by the king's order thrown into prison[l].

English merchants imprisoned.

Further hostilities.

Some time after, one of Blake's ships fell in with a Portuguese vessel, whose freight was valued at one hundred thousand pounds; but she refused to yield to the English commander, and after an obstinate fight was finally sunk[m]. Blake's next exploit was against a Brasil fleet of twenty-three

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[i] Whitlocke, June 8.
[k] Ibid, July 2, Sept. 9.
[l] Ibid. Journals, July 4.
[m] Whitlocke, Oct. 1.

ships; and in the conflict he sunk the admiral, and captured the vice-admiral and ten more of the larger vessels[n]. 1650.

The court of Lisbon, finding their trade so materially injured, and perceiving that they suffered all this in consequence of the impolitic protection they had afforded to Rupert, insisted upon his going out of the harbour, and engaging the fleet of the parliament. The prince accordingly advanced with his ships into the open sea; but, Blake presenting himself in order of battle, Rupert withdrew, and placed himself under guard of the Portuguese castles, where the English admiral did not think it safe to attack him[o]. Conduct of Rupert and Blake.

The French government, for whatever reason, seemed less disposed to keep measures with the new commonwealth, than any other of the European powers[p]. In October 1648 an edict was promulgated in France, forbidding the importation of any woollen or silk manufactures from England or Holland; and, this measure being in the following year brought under the consideration of parliament, it was ordered that a similar prohibition should be issued against the woollen and silk manufactures, as well as the wines, of France[q]. Out 1650. 1649. Hostilities between England and France.

[n] Ibid, Oct. 15, 25.

[o] Ibid, Sept. 3, 9.

[p] Clarendon, Vol. III, p. 301, says that cardinal Mazarine kept up a secret intelligence with Cromwel even during the life-time of Charles the First. This can scarcely be true.

[q] Journals, Aug. 23.

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of this prohibition a state of petty warfare appears to have arisen, so that great losses and damage are stated to have been sustained by the English, by having their ships unduly seized, pillaged, surprised and taken by the subjects of France. And, in the instructions given to Popham in April for making reprisals on Portugal, a clause was introduced, directing him to make similar reprisals on the French[r]. Agreeably to these directions, Blake sent home six French ships, which were taken in company with the nine English in the Brasil fleet[s]; and repeated accounts were transmitted of engagements between the English and French frigates, in which the latter generally came off with the worst[t]. But the most considerable exploit against this enemy, was that Blake, hearing of a French ship of war, stationed near Gibraltar for the purpose of intercepting the English traders as they came out of the straits, sailed thither with his own ship and another, and after a fight of some hours took the Frenchman. The cargo of this vessel, probably in consequence of the prizes she had previously taken, was computed to be worth a million[u].

1649. Irresolute conduct of the court of Madrid.

Nothing could exceed the imbecility of the court of Philip the Fourth of Spain at this period. His

[r] Thurloe, p. 144. Journals, Sept. 11.

[s] Whitlocke, July 2, Sept. 9. Journals, Sept. 11.

[t] Whitlocke, Aug. 19, 22, 28.

[u] Ibid, Nov. 29, Dec. 5.

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ambassador at the court of Charles the First had for several years been don Alonzo de Cardenas; and that minister, having early received some personal disobligation from Charles, became during the subsequent struggle between the king and the parliament, the inveterate enemy of him and all his family [w]. He accordingly constantly represented to his court, that the parliament was too firmly seated ever to be shaken, and that they might rely upon it that there would never more be a king in England [x]. In the year 1649 Charles the Second appointed two of his principal ministers, lord Cottington and Hyde (Clarendon), his ambassadors to the court of Madrid. Philip and his principal servants, of course entertained the utmost horror of a set of men that had dared to put their king to death; but their political interests prompted them to shew every courtesy to the party in power. They therefore regarded the appointment of these ministers with great distaste, and in a variety of ways sought to put slights and affronts upon them [y]. But, in the midst of this scene, Rupert, with his fleet of revolted ships, shewed himself on the coast of Spain, previously to the time of his casting anchor at Lisbon; and his appearance, at the very period that they expected the return of the galleons from the Indies, filled the whole kingdom with consternation. The government therefore

[w] Clarendon, Vol. III, p. 336.
[x] Ibid.
[y] Clarendon, p. 328, *et seqq.*

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welcomed his arrival with compliments and caresses, and instantly dispatched messengers to all
1649. the ports, directing that he should be received with every possible respect, and readily supplied with all the accommodations he required[z]. It was not long however before Blake followed with a stronger fleet; and he sent a peremptory message to Madrid, describing the others as pirates, and requiring that they should receive no kind of en-
1650. couragement and countenance[a]. Meanwhile intelligence speedily reached the court, that Charles the Second had set up his standard in Scotland. This again gave a different impression to Philip and his favourites. Before, they had regarded Charles, as a prince disinherited of his dominions, and having no other subjects than the few that were banished along with him. Now they saw him in full possession of a kingdom, where no man appeared in arms against him, and, as they believed, with a reasonable prospect of being restored to the other two kingdoms of his ancestors[b].

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[z] Ibid, p. 338. [a] Ibid, p. 339.

[b] Ibid, p. 348. The court of Lisbon seems to have been of much the same temper as that of Madrid. When king John sent Rupert word that he could no longer remain in the road of Lisbon, the prince royal, indignant at the audacity with which his father was treated by the republicans, and remembering their guilt in having dipped their hands in the blood of their own sovereign, declared that he would have all the ships in the port made ready, and himself go on board, join Rupert, and fight the English. But he was afterwards dissuaded from this gallant resolution. Clarendon, p. 340.

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It has already appeared that the parliament early in the year appointed Anthony Ascham their agent to the court of Madrid. They had been sufficiently encouraged to the measure by king Philip; and it was particularly recommended to them by Cardenas, who continued to reside in London, without expressly taking on him the character of ambassador. Ascham did not arrive in the port of Cadiz till May, and then only with three attendants. He was received by the duke of Medina Celi, governor of Andalusia, who forwarded him with a sufficient guard to Madrid. When arrived however, he was left, by some mistake of the officer who commanded his escort, abruptly, without being previously delivered, as he ought to have been, into other protection. He reached Madrid in the evening of the twenty-sixth[c]; and the next day certain English royalists, taking advantage of his defenceless situation, burst into his hotel, and dispatched him and his interpreter with their swords. They immediately fled, and took sanctuary in a church; but by the king's order were apprehended and committed to prison. Having been tried and convicted, they were returned to the church, whence one by one they escaped, all but a Protestant, who, being one of the conspirators, suffered death for his crime[d].

Assassination of Ascham.

Fate of his murderers.

[c] June 5, new style.

[d] Thurloe, p. 148, *et seqq.* Clarendon, p. 369, *et seqq.* Clarendon owns that one of his servants was an accomplice in the murder:

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Sentiments of the Spanish prime minister on the subject.

Don Lewis de Haro, the Spanish prime minister, said a short time after to the ambassadors of Charles the Second, "I envy those gallant men, whatever may be their fate, who have done so noble an action, to avenge the blood of their sovereign. If the king, my master, had had such resolute subjects, he would not have lost Portugal; as one brave man, by taking away the life of the usurper, might at any time, during the first two years, have put an end to that rebellion[e]." This passage may serve to shew us, how much assassination was at this time in honour, at least in the courts of princes.

Cottington and Hyde dismissed from Madrid.

It was however judged prudent, that too much offence might not be given to the rulers of the commonwealth, soon after to give notice to the ambassadors of Charles the Second, that their further stay at Madrid would be productive of no advantage[f].

Conclusion of Rupert's adventures.

Rupert at length found it expedient to withdraw from the mouth of the Tagus, and take the open sea; and he succeeded on this occasion, as he had done at Kinsale, in eluding the vigilance of the English admirals. He passed through the straits of Gibraltar, and was first heard of at Marseilles[g]. Returning again to the west, he fell in with five

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it is to be hoped not with the connivance of his master, who was afterwards so vindictive against the regicides according to form of law, as well as against the dead bodies of Bradshaw and Cromwel.

[e] Clarendon, p. 373, 374.

[f] Ibid, p. 378.

[g] Whitlocke, Nov. 2.

or six English merchantmen off Malaga, which he burned[h]. Blake, hearing of his proceedings, pursued him, and soon put a stop to his further depredations. He took one of Rupert's vessels, and ran the rest on shore; so that the prince at length escaped with only two ships, and, finding no longer any countenance in Europe, made the best of his way to the West Indies, where his brother, prince Maurice, perished in a tempest. At length, returning to Europe with his two tattered vessels, he sold them to cardinal Mazarine, and sought other adventures[i].

[h] Heath, p. 275. Whitlocke, Dec. 20.

[i] Journals, Dec. 18. Whitlocke, Dec. 21. Heath, p. 275. Roger Coke, Vol. I, p. 403.

CHAPTER XXIII.

OVERTURES OF THE COURTS OF LISBON AND MADRID.—THE LATTER FAVOURABLY RECEIVED.—NEGOCIATION WITH PORTUGAL BROKEN OFF.—DEATH OF WILLIAM THE SECOND, PRINCE OF ORANGE.—ST. JOHN APPOINTED AMBASSADOR TO THE HAGUE.—NEGOCIATIONS.—THEY ARE MADE ABORTIVE.—ACT OF NAVIGATION.

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1650. Overtures of the courts of Lisbon and Madrid.

THE successes of Blake, and still more the memorable defeat given to Charles the Second, by Cromwel at Dunbar, gave a new face to the affairs of the commonwealth in foreign countries. The princes of the continent could no longer refuse to believe, that the present government of England had every promise of permanence. It was strong enough to assert its rights and make itself feared; and of consequence was perfectly fitted to enter into treaties and alliances. Towards the end of the year a sort of race took place between the kings of Spain and Portugal, which should be first to embrace the friendship, or appease the animosity, of the rulers of the commonwealth. The latter of these princes sent an envoy, don Joseph de Guimaraes, to make suitable propositions to the Eng-

lish government[a]. Alonso de Cardenas, who had remained in London, and been in constant communication with the most powerful members of the council of state, being apprised of this, and properly prepared for the occasion, offered his credentials[b]. An immediate distinction was set up between the two candidates. With Spain we had never had any serious and defined misunderstanding; with Portugal we were in some sort in a state of war. Vane objected to the admitting the Portuguese altogether. This objection was overruled[c]. But it was determined, inasmuch as Guimaraes did not come with the character of an ambassador, that he should have his audience from a committee of parliament[d]; while Cardenas, without a moment's delay, had his audience of the parliament itself[e]. With Cardenas there was nothing to explain; and a series of letters, which had passed between Blake and the king of Spain, was laid before the house[f]. The whole was concluded in a spirit of the most perfect cordiality and good humour.

1650.

The latter favourably received.

1651.

With respect to Guimaraes the case was widely different. Several severe preliminary articles were required, before he could be admitted to a treaty. It was demanded, that all the English that had been put under restraint by the Portuguese go-

Negociation with Portugal broken off.

[a] Journals, Dec. 17. [b] Ibid, Dec. 24. [c] Ibid, Dec. 19.
[d] Ibid, Jan. 1. [e] Ibid, Dec. 26. [f] Ibid, Jan. 8.

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vernment in the way of reprisals, should be enlarged; that all ships, money and goods, should be restored, and reparation made for any damages that had been sustained; and that the king of Portugal should pay one hundred and eighty thousand pounds towards the expence we had incurred in fitting out an armament to obtain justice. These preliminaries being granted, the first two executed, and security given for the other, the parliament offered that there should be a suspension of arms for six months for the completion of the treaty[g]. The preliminaries were granted by the envoy; but, inasmuch as the manner of performance, and the time for the cessation to commence, were disapproved, the whole was broken off, and the envoy was ordered to quit the English dominions[h].

1650. Death of William the Second, prince of Orange.

One further event happened towards the close of the year, which bore a favourable aspect upon the affairs of the commonwealth. The prince of Orange, the fast and zealous friend of the exiled princes, and who had married their sister, died of the small-pox on the sixth of November. He was considered as a person of promising talents, and had only attained to the age of twenty-four years. He died without issue; but he left his princess pregnant; and, eight days after his decease, she

[g] Ibid, Apr. 10.

[h] Ibid, Apr. 22, May 16.

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bore a son, who was afterwards William the Third, king of England.

1650.

Through the whole period of his stadtholderate, which had begun in March 1647, disputes had run high between the partisans of the house of Orange and the aristocracy, who had always looked with much jealousy upon the ambition of this line of princes, and who desired a greater parity and a more complete circulation of authority in the government of the republic, than was consistent with the ascendancy of this house. The main subject of contention had been relative to the amount of military force to be kept up in the state. The province of Holland, whose quota in the distribution of the revenues, amounted to nearly as much as the proportions of the other six taken together, was the focus of republicanism. The influence of the house of Orange prevailed in five of the remaining six; and the populace uniformly adhered to the Orange party. William the Second, whose temper was sanguine and imperious, thought to carry every point by force of arms. In the summer of the present year he had attempted to take by surprise the city of Amsterdam; and, having inveigled six of the leading members of the states of Holland into his power, he committed them to the castle of Louvestein in July[1]. The leading names of the aristocratical party, were Bicker,

His incroachments and ambition.

Attempts to surprise the city of Amsterdam.

[1] Le Clerc, Histoire des Provinces Unies, Tom. II, p. 281.

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Pauw and de Wit. The death of the prince opened a favourable opportunity for the triumph of this party. The six prisoners were set at liberty, and reinstated in their functions; and Bicker was restored to the office of pensionary of Holland.

Project of an union between England and the United Provinces.

All this appeared highly advantageous to the rulers of the commonwealth of England. The states of Holland had shewn themselves favourable to their demands, when they had been outvoted in the states general by the influence which the house of Orange exercised over the inferior provinces. The views of the English government were bold and capacious. They saw the constitution of the United Provinces to be not less republican than their own. Both were commercial states. Both were Protestant: and the Louvestein party, as they now began to be called, were the advocates of toleration in Holland, as the independents had been in England. On this basis Cromwel and Vane built the project, the idea of which they had early thrown out, of settling a more near and firm union between the two nations[k]. *Faciamus eos in gentem unam*, was a phrase that had been early put forward in their more intimate communications with the Dutch leaders[l].

St. John appointed ambassador.

Deterred by the unfortunate catastrophe of Dorislaus, and by the tenour of the events which followed, the statesmen of England waited pa-

[k] See above, p. 149, 150.

[l] Thurloe, p. 130.

tiently the time when they might bring forward their proposition under happier auspices. Now they seemed to themselves to have found it. In the unhapy embassies of Dorislaus and Ascham, they had perhaps committed the error of fixing on men of a character not sufficiently conspicuous, and had sent them out obscurely, and not as befitted the representatives of a great nation. They determined to correct this error. They fixed on a man in whom the rarest qualities seemed to be united, a man of deep reach and profound understanding, of high rank by birth, and of elevated station, with much subtlety of wit and great powers of dissimulation, together with an extraordinary command of his own temper, and a mind adapted to gain an ascendancy over the temper and judgment of others: Oliver St. John, chief justice of the common pleas[m].

1650.

1651.

His cautiousness and circumspection.

Many circumstances are calculated to place the skill and statesman-like qualities of Cromwel in a very striking light. We have already seen that it was by his interposition that Vane and St. John were prevailed upon to accept a seat in the council of state a short time after the death of the king[n]. St. John tells us of himself, that from the time of his being appointed to the common pleas in October 1648, till his return from Holland in June 1651, he never entered the doors of the house of

[m] Journals, Jan. 23.

[n] See above, p. 31, 33.

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commons[o]. He adds, that he was sent upon the embassy to Holland against his will, and that he used all means in his power to be excused from the appointment[p]. It is difficult however to conceive how any one should think of employing a man as an ambassador, and engaging him in the conduct of negociations of great moment and delicacy, against his own consent. Whitlocke denominates him on this very occasion, the creature of Cromwel[q]. Cromwel was at this time ill, and in Scotland: it is probable therefore that, when he was in London in the preceding June, he had won upon St. John to say, If a fair opening presents itself for such a treaty with Holland, and you should think my services necessary, you may command them. The characteristic of this man was wariness of temper; and, till he saw the stability of the commonwealth in all moral probability fixed, by the battle of Dunbar, and the victories of Blake, he stood aloof, and was unwilling to engage in active employment.

1651.

1650. Negociations.

Previously to the death of the prince of Orange, circumstances had occurred, indicative of the continued alienation of the states general, under his influence, from the commonwealth of England. The states of Holland, guided by a policy very different from that of the states general, and fearful

Schaep agent from the province of Holland.

[o] Case, p. 2. [p] Ibid, p. 5. Journals, Jan. 28.
[q] Whitlocke, Feb. 1. Clarendon, p. 457.

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1650.

that the hostility of the Orange party to the English government might produce consequences injurious to their commerce, commissioned an agent from their particular province, Gerard Schaep, as resident to the government of the commonwealth, in May 1650[r]. Shortly after, Strickland was recalled from his embassy at the Hague; and the parliament, having in vain expected that the states general would grant to Joachim letters of credit recognising the present government, signified to him in September, that his further residence in this country would be dispensed with[s].

Joachim dismissed.

1651. St. John proceeds on his embassy.

Now however, by the death of the prince of Orange and its consequences, the case seemed materially altered. In January the parliament resolved at the instance of the council of state, that the present was a fit time to appoint an embassy to the states general; and St. John, together with Strickland, the late resident, were fixed on as proper persons to compose the embassy[t]. The ambassadors were fitted out with a train suitable to the dignity of the principal agent, and the importance of the object to be effected by their mission. They were accompanied by a suite of forty gentle-

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[r] Journals, May 24. Wicquefort, Histoire des Provinces Unies, p. 162.

[s] Journals, Sept. 26. Wicquefort, *ubi supra.*

[t] Journals, Jan. 21, 23.

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men, beside servants and other followers[u]. The celebrated Thurloe, whom St. John styles his private servant, went with him as secretary[w]. They had their first audience of the states general on the twentieth of March[x].

Coldness of the states general.

But they found the United Provinces in a very different position from that which they had been led to expect. The stadtholderate indeed had, at least for the present, been rejected. But the adherents of the house of Orange were still numerous: the lower people espoused that party almost to a man; and there were several considerable families that entertained the same bias. The aristocracy had succeeded in the main question respecting the form of the government; but their adversaries were the more resolute to contend with them in all inferior matters.

Spirit of the negociation.

The ambassadors came commissioned to propose a near and more intimate union between the two states[y]: but they by no means intended to compromise the dignity of the government that sent them. Their business, as they conceived it, was one of entire coalition and friendship: yet, that they might support the character of the state

[u] Ludlow, p. 344. Le Clerc, p. 307, 308, says, they were attended at their entrance by twenty-seven coaches, and two hundred and forty-six followers.

[w] Case, p. 2. Thurloe, State Papers, Vol. I, p. 179, *et seqq.*

[x] Ibid, p. 191. [y] Thurloe, p. 189, 191.

of England, they were from the first, like the Roman deputies of old, limited as to the time they were allowed to negociate. Indeed the very circumstance of one of the chief justices of England being appointed a negociator, implied that they did not contemplate a wavering and dilatory proceeding.

Dutch averse to the project of an union.

Their errand however was received by no party in the United Provinces with the welcome they expected. As the rulers of the commonwealth were prone to entertain the most comprehensive views, they desired a perfect union with this republic, as they shortly after effected a union with Scotland and Ireland. But the Dutch did not regard the plan with complacency. They had had a long struggle for the establishment of their independence, and they loved it. But, as England was the larger and more powerful state, they considered such a union as was in the contemplation of their present guests, as calculated to operate their political extinction[z].

Sentiments of the two parties in that country.

But, though no party in Holland was disposed to go to the length of what was tendered to them, yet the two active combinations of men that struggled against each other in the United Provinces, looked upon the ambassadors of the commonwealth of England with a very different temper. The ad-

[z] Memoir of de Wit, *apud* Histoire de Cornelius et Jean de Wit, Vol. I, p. 60.

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herents of the house of Orange seemed to think that, by the arrival of these guests, they had gained a happy opportunity of venting the spleen that fermented in their breasts from their disappointment in the question of the stadtholderate; while the aristocracy were disposed to shew the ambassadors every degree of civility and attention, and to concede to them all things but the main question on which they came.

First proposition of the English ambassadors.

St. John began with the question of the renewal of the commercial treaty, which had been entered into between Henry the Seventh and the then Flemish government, in 1495. This treaty is stated by De Wit, in a memorial published under his inspection a few years afterwards[a], to have been particularly advantageous to the Dutch in respect to their fisheries and some other matters; and he accordingly blames the states general for having eluded the advances of the ambassadors in this matter, which he ascribes to the machinations of the devoted adherents to the house of Orange.

It is unfavourably received.

But they resolved, in all they could, to defeat the overtures of the English government. Six weeks elapsed at one period without any progress being made in the affair, the Dutch government pretending that they could not proceed without new and express instructions from their constituents[b]. The

[a] Histoire de Cornelius et Jean de Wit, Vol. I, p. 46 to 74.

[b] Thurloe, p. 188, 192.

English however, that they might not be accused of precipitation, extended in one instance the time of negociation[c]; and the ambassadors did not take their final leave of the states general till the twentieth of June, after a useless residence of three months[d].

The ambassadors are treated with disrespect.

But the Orange party was not contented with baffling the English plenipotentiaries in their negociation, they also excited the populace of the Hague, who had little need of being stimulated, to insult and annoy them by every means in their power[e]. They pursued them in the streets with affronting cries and exclamations, and repeatedly broke the windows of their hotel[f]. In addition to this, prince Edward, a younger brother of Rupert, meeting St. John in one of the public walks, put upon him an open insult[g], which the ambassador, by the official character he bore, was prevented from resenting, in the way to which he would probably otherwise have had recourse.—Certainly it was incompatible either with an ambassador or a chief justice, to become a duellist. A complaint was lodged with the states; but, being summoned to answer, Edward replied, that he was

[c] Ibid, p. 181.
[d] Ibid, p. 191.
[e] Histoire de C. et J. de Wit, p. 61.
[f] Ibid. Le Clerc, p. 310.
[g] Journals, Apr. 29. Thurloe, p. 179. Whitlocke (April, *init.*) tells of a design to strangle St. John in his own apartment by one Apsley, a cavalier; and the name of this Apsley occurs in the above place of the Journals, along with that of prince Edward.

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a prince of the empire, and not subject to their jurisdiction, and withdrew from their dominions[h].

1651. Their audience of leave.

In his audience of leave, St. John thus addressed the committee of the states general. "I perceive, that their high mightinesses are waiting the issue of affairs in Scotland, that they may regulate their carriage to our government accordingly, and that for that reason they have slighted the generous overtures with which we were charged. It is true, that some members of our parliament dissuaded this embassy, and advised that we should first finish our war in Scotland, and then expect your representatives on our shores. But I thought more honourably of you. I was wrong; and I now confess that these cautious advisers understood you better. Take my word for it however, our Scottish campaign will soon be terminated as our warmest friends would wish, and you will then repent your having so lightly treated the proposals we have made[i]."—Thurloe, soon after his return from Holland, quitted the service of St. John, having been from a youth in his employment[k].

Policy of the English government.

The English government, since they could not carry the measure with the republic of the United Provinces they so much desired, but on the contrary had received every kind of contumely and affront, determined to adopt such proceedings as they conceived most conducive to the welfare and

[h] Heath, p. 286. [i] De Wit, p. 63. [k] Case of St. John, p. 2, 3.

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prosperity of their country, without being restrained by any tender regard to the interest of the neighbour commonwealth. Both states were obviously commercial. The Dutch possessed a country of little produce, and could scarcely subsist, certainly could not become opulent, but through the medium of trade. Great Britain was an island with many ports and every convenience for shipping. She could not defend herself from the ambition or insolence of her neighbours but by means of her navy. At the same time her soil was fertile, and her manufactures prosperous. The two countries therefore were in the common construction rivals. So the English statesmen understood it. They desired in the first place a perfect union of interests. But, if that could not be effected, they looked in the next place to whatever could make their commerce prosperous, and their navy powerful.

Perseverance of St. John.

It was this train of ideas that led to the act of navigation, which was considered as the project of St. John[l], and was brought into parliament by Whitlocke[m]. The more the former of these had reason to be dissatisfied with his late adventure as a statesman, the more he seems to have determined to persist in the occupation. He was a man of much subtlety of invention, and great resources of ingenuity and refinement; but all these advantages had been lost by the perverse turn the

[l] Le Clerc, p. 314.

[m] Journals, Aug. 5.

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Dutch negociation had taken. He resolved not to be finally judged by that unfortunate specimen, but in some way to shew himself to the world for what he was intrinsically worth. We owe therefore in some degree to this miscarriage the strenuousness and energy of his subsequent labours.

Act of navigation.

The act of navigation was brought into parliament on the fifth of August, and received its final sanction on the ninth of October[n]. The provisions of this law were, that no produce of any of our colonies should be brought into this country, but in ships the property of England or its colonies, and that no produce or manufacture of any part of Europe should be brought here, but in ships the property of England, or of those countries respectively of which the goods were the proper produce and manufacture[o].

[n] Journals. [o] Scobel, 1654, cap. 22.

CHAPTER XXIV.

LETTERS OF MARQUE ISSUED AGAINST THE DUTCH. —AMBASSADORS ARRIVE FROM THE STATES GENERAL.—HOSTILITIES OF VAN TROMP.—DECLARATION OF WAR.—AMBASSADORS ARRIVE FROM SWEDEN AND DENMARK. — DANISH AMBASSADORS RECALLED. — FOOT-SOLDIERS DRAFTED ON BOARD THE FLEET.—TROMP DEPRIVED OF THE COMMAND.—SECOND ENGAGEMENT, AYSCOUGH AND DE RUYTER.—THIRD ENGAGEMENT, BLAKE AND ADMIRAL DE WIT. —BLAKE CAPTURES A FRENCH SQUADRON.

1651. Letters of marque issued against the Dutch.

BESIDE this measure, which operated immediately to the disadvantage of the trade now carrying on by the people of the United Provinces, letters of marque were issued in favour of certain merchants who complained of the injustice done them by the Dutch government; and more than eighty trading vessels were in consequence captured, and brought into the English ports[a].

Ambassadors arrive from the states general.

The states general now began to feel the full force of the precipitate manner in which they had

[a] Le Clerc, p. 314. Elenchus Motuum, Pars II, p. 171.

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acted, in the reception they had given to the embassy of St. John, which had come to them with every sentiment of amity and good understanding. They saw, that the time was arrived for them to pay their court, and that with small chance of a favourable hearing. The battle of Worcester had just given the last seal to the stability of the commonwealth; and the conduct of the English government, both in the matter of the letters of marque, and of the act of navigation, proved that they were in no humour to admit of a supercilious treatment. Early in September a letter was addressed by the states general to the English parliament[b]; and, in the close of the year, Catz, late pensionary of Holland, with two other ambassadors, arrived in London[c], charged to resume the treaty, which had been broken off by the departure of St. John from the Hague in June.

Negociation.

In his introductory speech the senior ambassador took the ground best adapted to conciliate the English government, declaring that his masters were desirous of concluding with us a league, offensive and defensive[d]. His propositions were referred to the consideration of the council of state[e]; and a committee of council was appointed to treat

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[b] Journals, Oct. 15.

[c] Whitlocke, Dec. 15.

[d] Journals, Dec. 19. Narrative of Proceedings touching the Audience, p. 6.

[e] Journals, Dec. 25.

with the ambassadors: but the negociation went on heavily.

1652. Hostile feelings of the Dutch.

Meanwhile the Orange party and the population of the United Provinces became every day more exasperated. The act of navigation gave them the greatest offence; and the depredations committed by the English privateers were an insult and an injury not to be endured. The naval administration of England under the reigns of James and Charles had been such as to excite little respect; and during the civil wars the honour of the flag had been still more neglected. Meanwhile the Dutch affairs had daily improved in importance and prosperity; their fleets were numerous and in excellent condition; and their naval commanders at this moment some of the most consummate that the world ever saw. They looked down therefore with contempt upon the infant republic of England; our pretensions were lofty, but might by one resolute effort be trampled into atoms. Such were the reasonings of the Orange party.

Warlike preparations.

By a strange anomaly it appears that the council of the admiralty in the Netherlands were accustomed to direct the maritime affairs, independently of, and without consulting with, the assembly of the states general[f]. Van Tromp, who

[f] Clarendon, Vol. III, p. 459.

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had been appointed to the command of the fleets of Holland by the title of vice-admiral upon the extinction of the stadtholderate, and who was devoted to the Orange party, had a predominant influence in this council. At his instigation it was ordered about the end of February, that a fleet of one hundred and fifty ships of war should be fitted out for the ensuing summer. This measure, over which the states general appear to have had no control, they directed their ambassadors at London to announce to the parliament; but the English government, who took no cognisance of parties in Holland, regarded the communication in the light of a menace[g]. Meanwhile frequent conflicts took place between the private vessels, and even the frigates, of the two states: and the Dutch government, irritated by these perpetual hostilities, in the latter end of March put an embargo upon all English vessels in their ports, which prohibition was taken off about one week after.

Aggression of Van Tromp.

In the following May Van Tromp with forty ships came into the Downs, and encountered Blake with twenty. One of the points at issue was the claim of the English, which had generally been submitted to, that the ships of other nations should strike the flag to ours in what are called the nar-

[g] Answer of Parliament, June 5, to Three Papers delivered by the Dutch ambassadors, p. 4. Whitlocke, June 10.

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row seas, as an acknowledgment in courtesy, of our superiority within that line[h]. Tromp excused himself for coming so near, which he said was in no spirit of hostility, but from stress of weather, which was held to be an evasion. He confessed that he had no orders from the Dutch council of admiralty to strike his flag. Being summoned to do so, he therefore, instead of complying, fired a broad-side into Blake's ship. This happened on the nineteenth. The consequence was a general, but irregular action, the brunt of which principally fell upon Blake's ship. The action continued four hours; one Dutch ship was taken, and another sunk; while Blake had six men killed and thirty-five wounded, and seventy great shot had taken place in his hull and rigging[i].

May 19.

Apologetical message from the states general.

The states general no sooner heard of this event, than they determined to send a supernumerary ambassador, Adrian Pauw, the present pensionary of Holland, in addition to those already in London, to apologise for this unexpected circumstance, and endeavour to restore things to their former footing. A majority in the supreme assembly of the United Provinces were clearly displeased with what had occurred, and were desirous to prevent a war. Pauw arrived in London early in June, and on the eleventh had his first audience of the parlia-

[h] Clarendon, p. 459.

[i] Narrative, annexed to the Answer to Three Papers.

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ment[k]. He represented the encounter as an unlucky chance and an unhappy accident, in the same breath endeavouring to prove that the English were the aggressors in the action. He said, there was nothing his employers had more at heart, than that what had thus occurred should be wholly laid aside, and regarded as a thing that had not happened. He demanded, that all further hostilities should be forbidden, and that the treaty should proceed as before, and consented, in the name of his masters, that the honour of the flag should hereafter be paid in the manner the English government required[l].

Haughty answer returned.

The parliament in answer took a higher tone. They said that, combining what had passed on the nineteenth of May with the great maritime preparations of the states, and with the naval manœuvres which had preceded, they could not agree to dismiss it as an accident. It would be necessary to guard the commonwealth of England from a similar outrage hereafter; nor could they allow the treaty to be resumed, till the wound that had been inflicted should first be healed. And in the mean while, till this was done, they held themselves obliged to seek, as they should have opportunity, reparation for the wrongs already suffered, and security for the future[m].

[k] Journals.

[l] Papers, annexed to the Declaration of Parliament, 9 July.

[m] Ibid.

1652. Further negociation.

Pauw in reply requested the parliament to specify what was the atonement they demanded: and he received in return a communication, that the states general must first discharge the expences and damages which the commonwealth had sustained through the hostile preparations and attempts of the United Provinces[n], and that, when these were paid, or security was given for their discharge, hostilities might cease, and the treaty go on as before. The ambassador rejoined, that in a fair estimation it might perhaps be found that the damages the states had suffered through the assaults of the English were as great as those of which the commonwealth had to complain, and that the only equitable mode of proceeding would be to strike a balance between them[o].

Ambassadors recalled.

But in this state of the negociation the ambassadors received letters of recal[p]. Either the Orange party had gained a majority in the states, or the advocates of peace felt it vain further to resist the tide of influence and of popular clamour that had set in against them. The audience of leave of the ambassadors took place on the thirtieth of June[q].

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[n] Le Clerc has committed in this place, p. 315, a whimsical mistake. He says, it appears from a paper in Milton's State Letters, that the parliament estimated their losses at 16 billions, 818 millions, 161 thousand, 500 pounds sterling, with an interest doubling the principal, a sum which, he observes, would considerably exceed the purchase-money of the fee simple of the continent of Europe. The amount, as it stands in Milton, is £1,681,816:15:00.

[o] Ibid. [p] Le Clerc, p. 320. [q] Journals.

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1652. Declaration of war.

On the ninth of July the parliament published a declaration, stating the grounds of their dissatisfaction with the government of the United Provinces, and concluding that for the issue of their cause they now depended, not on any policy or strength of men, but upon the goodness and assistance of God. In the debate on Catz's speech in the preceding December, the outrages and cruelties exercised by the Dutch on the English at Amboyna in 1623 were mentioned[r]. But the diplomatical papers were strictly limited in their topics to the questions immediately at issue. Now however, that the die was cast, and the war must be undertaken, the government indulged itself in a retrospect to matters that had hitherto been passed without notice. The offensive proceedings at Amboyna were spoken of; and it was bitterly complained of, that the pretender to the English crown had been harboured in Holland, and the expedition against Scotland hatched at the Hague. It was affirmed to be clear all along that the government of the United Provinces had been hostile to the commonwealth. They had refused an audience to Strickland; they had been culpably remiss as to the murder of Dorislaus; they had connived at the indignities put upon St. John; they had fitted out one hundred and fifty ships of war, pending the negociation; and finally Pauw

[r] Narrative of Proceedings touching the Audience, p. 8.

and the ambassadors had broken off the treaty by abruptly demanding an audience of leave.

1652. The Dutch the aggressors.

Some writers have observed that there was a difficulty in deciding which party was the aggressor in the late action, the two governments having published accounts which completely contradicted each other on that head[s]. But the question may perhaps easily and satisfactorily be settled. That party which with a considerable number of ships came into the road where the other with half that number were at home, upon which the action followed, must surely be allowed to be the aggressor. That party which sent to the adversary a messenger of rank to apologise for what had passed, must certainly be the aggressor. That party which excused what had occurred, as the result of accident and mistake, was no doubt the aggressor. The speculations therefore of Hume, Rapin, and other historians, as to the motives of the English for entering into the war, and which party among them, the statesmen or the leaders of the army, were its authors, are entirely nugatory and inapplicable.

Policy of the English government.

The proper authors of the war were the Orange party in Holland. The rulers of the commonwealth of England acted on one uniform system throughout. They desired peace, but were not afraid of war. They aimed at an entire union with the Dutch republic. They would probably have been

[s] Hume, Chap. LX.

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1652. contented with such a peace as De Wit recommended, a peace on the basis of that concluded with the then governors of the Netherlands in 1495. At the same time it must not be denied that they were sufficiently haughty. They were not inclined to temporise, and still less to suffer themselves to be insulted. They aimed at a Roman character, and scarcely desired any thing more ardently than to cause the name of England to be every where treated with respect[t]. The abundant way in which they issued letters of marque was sufficiently peremptory. The act of navigation, a proceeding at that time altogether new, was a measure of a very arbitrary character.

1651. Ambassadors arrive from Sweden and Denmark. The event of the battle of Worcester served immediately to enrol the parliament of England among the permanent governments of Europe. Christina, queen of Sweden, sent a public minister, whose credential letters were dated on the twenty-sixth of September[u]. The king of Denmark did the same a little later[w]. The Dane however followed up his act of sending a mere resident, by commissioning two ambassadors extraordinary to negociate a commercial treaty with the

1652. English commonwealth[x]. But in the mean time

[t] Cromwel said on one occasion, he hoped he should make the name of an Englishman as great as ever that of a Roman had been. Burnet, Own Time, Book I.

[u] Journals, Jan. 23. [w] Ibid, Mar. 10.

[x] Journals, May 19, 26, Milton, Literæ Senatus Anglicani.

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1652. Danish ambassadors recalled.

the misunderstanding broke out between England and the United Provinces; and the Dutch were enabled by some means to prevail on the Dane, to recal his ambassadors, to shut us out from the passage of the Sound, and to detain the English merchant-ships that happened to be in the harbour of Copenhagen[y].

Sanguine expectations of the Dutch.

It is easy to imagine the spirit in which the war began between the English and the Dutch. The latter were at this time lords of the world upon their native element, the ocean. They were in the full vigour of their strength, and had never yet by sea felt the breath of a calamity. They therefore looked with contempt and impatience on the proud style the commonwealth had assumed. Our navy was comparatively nothing: theirs covered the ocean with their sails[z]. They considered besides, that ours was an infant government, kept up in opposition to the sense of the majority of its subjects, which had, it is true, been uniformly successful in its exploits by land, but which, by those very exploits, had been exhausted in its resources. England would not dare at such a moment to call on its inhabitants for fresh supplies. The commonwealth would inevitably cower before the Belgic lion, and the United Provinces would

[y] Journals, Oct. 14, 29. Thurloe, p. 217. Milton, Literæ. Whitlocke, Oct. 18. Heath, p. 327.

[z] Sidney, Discourses on Government, p. 222.

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gain their cause without striking a blow: or, if otherwise, the genius and energy of the Dutch navy would soon put an end to our rash hostilities.

Charles the Second offers them his services.

Already the Orange party and the Stuarts regarded this as a medium for restoring Charles the Second to the throne: and the exiled king hastened to offer his services to the states general, alleging that he had good reason to believe, that many officers and seamen had engaged in the English fleet merely that they might have an opportunity to serve him; and desiring for himself no other command, than of those English vessels, which, on notice of his being in the fleet, would range themselves under his standard. The states however refused the proposal, feeling that the war, which might otherwise speedily be terminated, would by this means become implicated with a question to which it was impossible to foresee an issue[a].

Vigorous proceedings of the English.

The genius of England in the cabinet, and on the waves, conquered all these difficulties. Sir George Ayscough, an excellent naval officer, had returned home from the conquest of Barbadoes, in the latter end of May[b]. Immediately on the departure of the ambassadors, Blake was ordered northward in quest of the Dutch vessels employed in the fisheries off the islands of Shetland and

[a] Clarendon, p. 462, 463.

[b] Whitlocke, May 29. Heath, p. 322.

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Foot-soldiers drafted on board the fleet.

Orkney, and Ayscough to the south, to protect our trade, and annoy that of the enemy. The council of state ordered a certain number of foot-soldiers to be drafted out of every regiment; and five hundred of these were sent on board Ayscough's fleet[c]. They were instantly brought into action, and consequently had no time to grow displeased with the confinement and tedium of a sea-faring life. Ayscough had no sooner raised his anchor, than he fell in with a fleet of forty merchant-men and four men of war, several of which he took or destroyed, and the rest he forced to run aground on the French coast, which was little less destructive[d]. Blake on the other hand fell in with the Dutch fleet of fishermen, under convoy of twelve men of war: he captured nine of the convoy, and sunk three, and, having unladen the fishermen of their freight, dismissed the sailors, and sent them home, whether with or without their vessels we are not told[e]. He at the same time took three homeward-bound Indiamen richly laden. Tromp was relied on by his masters to defeat these enterprises; but by some accident he wholly disappointed their expectations. He approached sir George Ayscough in the Downs; but a dead calm came on, and, when the wind changed, he sailed

[c] Whitlocke, July 3. Journals, July 9. Le Clerc, p. 318, says four thousand soldiers were ordered to serve on board the fleets.

[d] Whitlocke, July 3, 6. Clarendon, p. 461.

[e] Whitlocke, July 24, 31.

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away for the coast of Holland[f]. Presently after, he proceeded in search of Blake[g]; but, when he came up with him, a storm arose, so furious that he was compelled to a sudden retreat, and out of a fleet of one hundred ships of war, reached the road of the Maese with only forty. The rest were driven far to the north, but afterwards recovered[h].

Tromp deprived of the command.

Nothing can be more mutable than popular clamour; and that especially among a people like the Dutch, the main spring of whose impulses was a keen regard to their pecuniary interests. A few weeks before, the war had been loudly and impatiently called for; but no sooner did the proprietors of the fisheries and the merchants feel the extent of their unexpected losses, than they changed their tone, and professed to blame all those who had been concerned in producing it. Among these Tromp, who, under very equivocal circumstances, had been the first, with the name of an admiral, to draw blood in the quarrel, bore the principal censure. In addition to this offence, he was charged in the market-place of Amsterdam, with having culpably sought Ayscough in the Downs, instead of instantly sailing north to protect the fishery and the homeward-bound trade. Tromp found it necessary to give way to the public cry; and De

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[f] Ibid, July 12, 13. Heath, *ubi supra.*

[g] Whitlocke, July 19, 23, 27.

[h] Ibid, Aug. 11, 18. Heath, p. 322, 323. Le Clerc, p. 321.

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Ruyter, a name on the ocean not inferior to his, was appointed to command in his stead[i].

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An engagement took place off Plymouth between Ayscough and De Ruyter on the sixteenth of August. Ayscough had forty ships; De Ruyter had fewer according to the Dutch accounts, and certainly of inferior dimensions. They state his ships of war as twenty-eight, two of them carrying forty guns, with sixty merchant-ships. Possibly some of these latter aided in the battle. Both admirals fought with the most determined bravery. The English accounts say that the Dutch lost two ships of war; the Dutch that we lost three: each of these statements is denied by the opposite party. De Ruyter was obliged to send ten of his ships into dock to be refitted[k]. This was the last engagement in which Ayscough was concerned.

Second battle, off Plymouth. Aug. 16.

The Dutch government now resolved to strengthen their principal fleet; and, an admiral of the name and family of De Wit, being sent with forty-four ships to join De Ruyter, he, as the senior officer, took the command, De Ruyter acting as his lieutenant. Their combined fleet, which is stated by themselves as consisting of sixty-four ships of war, came up with Blake on the coast of Kent, who had sixty-eight, in the latter end of September. Here a difference of opinion arose

Third battle, Kentish Knock. Sept. 28.

[i] Le Clerc, p. 321, 322.

[k] Whitlocke, Aug. 20, 21, 24. Heath, p. 323. Le Clerc, p. 322, 323. Vie de M. de Ruyter, traduite de l'Hollandois de G. Brandt, p. 17, *et seqq.*

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between the Dutch admirals, De Ruyter dissuading a battle, and De Wit holding that it was the interest of his masters he should immediately engage. The English ships were both larger, and better equipped, than the Dutch. The battle was fought with great spirit, but with no decisive event. We sunk the rear-admiral's ship, took that officer prisoner, and captured another of their vessels. The Dutch however, as before, deny that they lost a single ship. Meanwhile the result was greatly dissatisfactory to the government of the United Provinces. De Ruyter desired leave to resign; and admiral De Wit fell sick with vexation. The battle was fought on the twenty-eighth of September; and is called the fight of the Kentish Knock[l].

Blake captures a French squadron. Sept. 6.

It was previously to this battle, that some of Blake's ships fell in with a French fleet, destined to throw provisions into Dunkirk, then besieged by the Spaniards. He took the whole squadron, consisting of seven vessels, the largest carrying thirty-one, and the smallest twenty-two guns; and the result of this unexpected disaster, was the surrender of Dunkirk to the besieger the next day, being the sixth of September[m].

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[l] Whitlocke, Oct. 5. Ludlow, p. 426, 427. Heath, p. 325. Brandt, p. 22, 23. Clarendon, Heath and Echard by mistake date this action, October 28.

[m] Britains Triumphs, p. 115, 116. Heath, p. 325. Whitlocke, Sept. 7. Hénault, *ad annum*. Clarendon, p. 463.

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1652. Fight in the Mediterranean. September.

The commonwealth government also sent captain Baddeley with four ships into the Mediterranean for the protection of the Levant trade. Here he was attacked by eleven Dutch ships of war: the battle was fought manfully, and the contest continued for three days: but he lost one of his frigates through the too great enterprise and daring of those who conducted her[n].

[n] Journals, Jan. 14. Thurloe, p. 219. Whitlocke, Oct. 2. Le Clerc.

CHAPTER XXV.

ACT OF OBLIVION.—CROMWEL FAVOURABLE TO GOVERNMENT BY A SINGLE PERSON, TO A NEW PARLIAMENT, AND TRIAL BY JURY.—STRENGTH OF THE COMMONWEALTH ARMY.—INSTITUTION OF THE MILITIA REVIVED.—REDUCTION OF THE ARMY.—ANIMOSITIES OF THE ARMY AND THE PARLIAMENT.—INTRIGUES OF CROMWEL.—PETITION OF THE COUNCIL OF WAR.—ITS RECEPTION.—CONFERENCE OF CROMWEL AND WHITLOCKE.

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1652. Policy of Cromwel.

WE now return home to consider the progress of the ambition of Cromwel. It was a part of his policy, to shew himself the forward promoter of all measures tending to the public benefit; and accordingly we have seen that, on the day that he took his seat after the battle of Worcester, a motion was made to accelerate the great measure of establishing an equal representation of the people, and calling a new parliament. On the contrary the leaders of that party, which had obtained the name of the statesmen, had run into the opposite extreme of a tardy proceeding and a procrastinating spirit, being desirous to make themselves

necessary, and knowing that the affair of dissolving the present parliament, and calling another, whenever it took place, would be attended with a severe crisis and agony to the newly established commonwealth.

1649. Act of oblivion brought in.

No measure could be more becoming in such a new establishment, than an act of oblivion and pardon, with such limitations as might be thought necessary, for all past political offences. Accordingly a vote was passed on the twenty-fifth of April 1649, that such a bill with all expedition should be brought in[a]. On the fifth of July following the bill was produced, read a first and second time, and referred to a committee[b]. But from this day we find no trace of the measure in the Journals, till the very day, as before, when Cromwel took his seat on his return from the battle of Worcester. The motion for reviving the bill of oblivion then immediately preceded the motion for introducing an equal representative. This was on the sixteenth of September 1651[c]. The amendments from the committee were reported on the twenty-seventh of November[d]; and, after an ample and minute discussion of its various provisions, the bill finally passed into a law on the twenty-fourth of February[d].

1651. Further proceedings.

1652. Passed into a law.

Preamble.

The preamble of the act, which of course differed extremely from any thing it could have contained at its first introduction in 1649, was in this

[a] Journals. [b] Ibid. [c] Ibid. [d] Ibid.

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form. "The parliament of England, having had good experience of the affections of the people to the present government, by their ready assistance in its defence against Charles Stuart, son of the late tyrant, and the forces lately invading the nation under his command, and being much afflicted with the sense of the miserable and sad effects which the late unnatural war has produced, and resolving, next to the glory of God, and the advancement of the kingdom of Christ, to make no other use of the many victories the Lord in mercy has vouchsafed them, than a just settling of the peace and freedom of this commonwealth, and being most desirous that the minds, persons and estates of all the people of this nation might be composed, settled and secured, and that all rancour and ill-will occasioned by the late differences might be buried in perpetual oblivion, have resolved to do what in them lies for the obtaining this effect[e]."

Provisions.

The act goes on to provide for a general pardon of all treasons, felonies and misdemeanours, as against the government, and a remission of all pains of death, pains corporal, sequestrations and penalties, suits, judgments and executions. The limit of the pardon is to offences committed before the third of September 1651. The main exception is of the murderers of Dorislaus and Ascham, as well as of Charles viscount Mansfield,

[e] Scobel, 1651, cap. 27.

eldest son of the earl of Newcastle, and lord Goring and his two sons. It is further provided that no person shall have the benefit of the act, without taking the engagement to be true and faithful to the commonwealth as now established, without king or house of lords[f].

Its clauses debated.

It is worthy of notice that there were several close divisions in the later discussions of the act of oblivion. These divisions were upon small questions, but may serve to mark the state of parties, and to refute the notion put forward a short time after by the enemies of the parliament[g], that all political questions were previously settled out of doors, and that the house assembled in short sittings only, for the purpose of giving their sanction to measures already determined on. One of the questions was of limiting the pardon, so as not to cover the estate of any delinquent omitted out of his composition, or any composition in which the estate should be found to have been considerably undervalued. Cromwel and Vane voted against this limitation, which was rejected[h]. Another provided against any rents or arrears payable into the late court of wards, being construed to be discharged by this act. This clause was supported by Vane and opposed by Cromwel[i]. It

[f] Ibid.

[g] Letter touching the Dissolution of Parliament: see note at the end of Chapter XXVIII.

[h] Journals, Jan. 29.

[i] Ibid, Feb. 5.

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was rejected. A third related to some arrears on the estate of the earl of Stafford. Cromwel appears in all these instances to have been on the side of indulgence, and his side was always victorious, though in this last case only by a majority of thirty-seven to thirty-six[k].

1651. Dangerous position of Cromwel.

The situation of Cromwel, in consequence of the battle of Worcester and its results, had become exceedingly critical. From the day that he was appointed commander in chief, he was, from the greatness of the trust thus reposed in him, united to his consummate intellectual and political talents, undoubtedly the first man in the state. It was somewhat dangerous to contradict a man, so endowed, and invested with such extraordinary powers. This danger however was little adverted to by his fellow-statesmen. They had seen, as they apprehended, such abundant evidence of the purity of his principles, and the devotedness of his patriotism, that, though the command and the love of so great and illustrious an army might be hazardous instruments in the hands of a bad man, no such consequences were feared from him.

His pre-eminence derived from his military situation, and therefore temporary.

He was now beyond all question elevated above all his brethren in the government. But, the parliament having conquered all their enemies in England, Scotland and Ireland, the army, that body by means of which he had rendered them

[k] Ibid, Feb. 18.

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such eminent services, was no longer at all, or in a very small degree, necessary. At the head of his army Cromwel was the first of Englishmen; but, deprived of that support, there were other men in the council, and particularly Vane, that would be formidable competitors of his authority. Vane and he, as we have seen, did not always agree. There was one man, and only one, to whom he could always bow, and of whose talents and virtues, however illustrious, he could never be jealous, Ireton. But Ireton was lately numbered with the dead. And Cromwel had something too elevated and decisive about him, and had too long exercised an uncontroled military command, to feel easy at the idea of descending to the level plain, to have his counsels decided on by the summing up of votes, and by possibility superseded for measures less wise and beneficent in his opinion than those of which he was the advocate.

He is jealous of the diminution of his influence.

There are two considerations to be added to these. First, it is in vain to deny that he was touched with the contagion of ambition. We shall hereafter have reason enough to see that he was gratified with the externals of honour and high place. He loved to hear the language of panegyric and commendation; and no man so surely hears these, as a king. Cromwel therefore aspired to be a king. He was stimulated by the love of fame. If he conferred benefits on his country, being one only in a council of statesmen, it might

His love of power;

and of fame.

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be disputed whether the nation owed these benefits to himself or to others. If he stood alone, elevated above the rest, the question would hardly admit of dispute.

He disapproves of the policy of certain leading members of the council of state.

Add to these considerations, that he weighed in his mind the counsels of Vane, and condemned them. It is true he brought with him a temper predisposed to censure. If he did not find them wrong, there would be no room for him to interfere. And nothing is more certain, than that almost all men are strongly inclined to believe that, which interest or personal advantage recommends to their belief. The members of the present council of state were disposed to temporise in two momentous questions, trial by jury, and the calling a new parliament. Cromwel judged that they were censurably timid in this. It is obvious to suppose, that he thought they were secretly influenced in this sentiment by a regard to their own interests. We have seen accordingly that one of the questions brought forward by him the very day that he returned from the battle of Worcester, was that of calling a new parliament. To Cromwel therefore we are at least bound to yield the praise, that the measures he was so earnest to bring to the test, were measures of a liberal nature, and inexpressibly dear to the lovers of freedom.

His speciousness and address.

It must not be supposed however that the whole extent of Cromwel's ambition was disclosed at

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once. If it had been so, he would never have succeeded in his purposes. He deluded the party of the statesmen for a considerable time: he did not break with them at once: sometimes they appeared to differ, and then again to agree: least of all could they anticipate the astounding scene, which was acted in April 1653. It was necessary also to his success, that he should be supported by a considerable party. This he managed with unparalleled speciousness and extraordinary address. The most eminent of his supporters in his hostility to the parliament, were men irreconcilably averse to the confiding any considerable portion of the powers of government to the hands of a single person.

Strength of the commonwealth army.

The number of men in arms under the direction of the English government had never been so great as at the time of the battle of Worcester. Exclusively of the forces on actual service in Ireland, Cromwel had now under his command thirty regiments of horse, one of dragoons, and eighteen of foot[1]: which, computing by the standard of Fe-

[1] The names of the colonels were: of horse, Cromwel, Fleetwood, Lambert, Harrison, Desborough, Whalley, Rich, Tomlinson, Twisleton, Lilburne, Okey, Hacker, Saunders, Berry, Grosvenor, Blundel, Alured and Lidcot; and of foot, Cromwel, Lambert, Dean, Monk, Ingoldsby, Pride, Barkstead, Fairfax, Goffe, Haselrig, sir Hardres Waller, Hayne, Fenwick, Overton, Daniel, Ashfield, Cooper, Cobbet, Fitch, Read, Alured, Gibbon, West, Bennet, sir William Constable, Duckenfield, Wauton, Philip Jones and Syler. The name of Overton stands to two regiments of foot. Journals, Oct. 2. Two preceding lists have been given at Vol. I, p. 406, and Vol. II, p. 490, 491.

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bruary 1648, amounted to ten thousand four hundred and forty horse, and twenty-four thousand foot: they certainly rather exceeded, than fell short of, this number[m]. The institution of the militia had fallen into disuse during the civil war, the militia regiments having been merged in the regulars. This institution had been handed down to us from our Saxon ancestors, and consisted of a certain number of the inhabitants of every county, chosen by lot for three years, officered by the lord lieutenant, the deputy lieutenants, and principal landholders, who were exercised for a few days in each year, and were not compellable to march out of their own counties, except in cases of invasion or rebellion[n]. On the ceasing of the civil war, this institution was revived by an act of the eleventh of July 1650, and again of the twenty-eighth of January 1651[o]. Each of these acts was in force for six months, and the last appears to have been suffered to expire. In contemplation however of the Scottish invasion, three thousand horse, and one thousand dragoons, for six months, were voted to be added to the forces in lieu of the militia on the eighth of April[p]; and four thousand foot, for three months, on the first of August[q]. On the twelfth, intelligence of an actual invasion being received, an act passed through all its stages in

Institution of the militia revived.

The army reinforced.

The militia embodied.

[m] See above, Vol. II, p. 504; and p. 64 of the present volume.
[n] Blackstone, Book I, Chap. 13.
[o] Scobel.
[p] Journals.
[q] Ibid.

that one day, for reviving and renewing the expired act concerning the militia, to continue in force till the first of December[r]; and it appears, that the regiments of militia, being every where in arms, hindered the king's friends from assembling to support him[s]. Three regiments of volunteers were also raised, to be employed on the present emergence[t].

Volunteers raised.

Reduction of the military establishment.

But no sooner was the battle gained, than the government began to consider how the army might be reduced, and the expences of the state diminished. On the ninth of September, the sixth day after the battle, it was voted, that the parliament should immediately take into consideration how to decrease the charge of the commonwealth[u]. And, on the day following, it was resolved that the four thousand horse and dragoons, taken into pay in lieu of the militia for six months, should at the expiration of that time be disbanded; and that the four thousand foot, taken into pay for three months by a vote of the third of August, should also be discharged[w]. On the eleventh a list was laid before parliament, of all the garrisons at that time maintained in England: and on the sixteenth, the day that Cromwel took his seat, it was referred to the council of state, to consider what forces were necessary to be kept up for the safety of the com-

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[r] Ibid.
[s] Clarendon, p. 408. Echard.
[t] Journals, Aug. 12.
[u] Journals.
[w] Journals.

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1651. monwealth, and what might be dispensed with[x]. In consequence, on the second of October, it was determined, that five regiments of foot [Gibbon's, West's, Bennet's, Philip Jones's and Syler's], and thirty single companies, should be disbanded, and three regiments of horse [Blundel's, Alured's and Lidcot's[y]]. The garrisons were also reduced[z]. The army was left at an establishment of about twenty-five thousand; and the savings were computed at thirty-five thousand pounds *per* month. This reduction was certainly moderate: and the council and the commander in chief appear to have proceeded in perfect concert in the adoption of these measures. An act was passed in the close of the year for an assessment of ninety thousand pounds *per* month for the maintenance of the forces in England, Scotland and Ireland, to be in force for six months[a].

1652. Petition of the council of war. Things continued on much the same footing during the first five months of the following year. On the twenty-seventh of January a petition was presented from the council of war to the parliament[b]; a thing of ill example from officers with swords in their hands[c]. But this related merely to arrears due to the army in Scotland[d]. It was referred to the committee of parliament for mili-

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[x] Ibid. [y] Ibid. [z] Journals, Oct. 2, 7.
[a] Ibid, Dec. 16, 17, 19. Scobel. [b] Journals.
[c] Whitlocke, Aug. 13. [d] Journals, Apr. 7.

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tary affairs[e]; and, by their recommendation, a bill was passed on the seventh of April, directing the application of one hundred and fifty thousand pounds to the discharge of those arrears[f]. In the following month it was resolved, by the advice of the council of state, as necessary for more effectually carrying on the service of the commonwealth, that the two regiments of foot commanded by Cromwel and Ingoldsby, should be recruited to twelve hundred men each, for a time not exceeding three months[g]. This seems to have had reference to the war with Holland. It was in the following month that Cromwel declined the prolongation of his commission of lord lieutenant of Ireland; and on the ninth of July that Fleetwood was appointed to the chief command of the forces in that country[h]. Five days later, it was resolved that the foot-regiments of Cromwel and Ingoldsby should be raised from twelve to sixteen hundred men each, for a period not exceeding three months[i].

Regiments of Cromwel and Ingoldsby recruited.

Meanwhile it was somewhat earlier than this, that the public affairs gave indications of approaching to a crisis. The establishment of the army had been fixed in the preceding December for half-a-year, computing from the twenty-fifth of that month[k]; and, as this period drew towards a close,

A further reduction proposed.

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[e] Ibid, Mar. 12. [f] Journals. [g] Journals, May 21.
[h] See above, p. 324. [i] Journals, July 14. [k] Journals, Dec. 19.

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it was voted, that it be referred to the council of state, upon conference with the lord general, and such other persons as they should think fit, to take into consideration the garrisons and forces in England and Scotland, and how some considerable retrenchment might be made of the present charge with safety to the commonwealth[l].

Postponed on a representation from Cromwel.

Three days after this, a letter was received from Cromwel, addressed to the speaker[m]. The contents of this letter are not upon record. But, from what followed it may reasonably be conjectured that his letter was hostile to further retrenchments to be made at this period. The parliament for the present judged it prudent to comply with the general. The supply-bill was brought in, with the amount in blank, on the twenty-sixth of May, and the question of retrenchments was moved on the following day[n]. But, without further notice being taken of the subject, the blank was filled up with the former sum of ninety thousand pounds *per* month[o]; and the bill in this state passed into a law on the fifteenth of June[p].

[l] Ibid, June 2. [m] Ibid, June 5. [n] Journals. [o] Ibid, June 8.

[p] Journals. It deserves to be remarked, that it was precisely at this period that Milton addressed two sonnets to the two great statesmen of the day, Cromwel and Vane. That to the latter was sent on the third of July. (Life of Vane, by Sikes, p. 93.) By thus complimenting each with an impartial pen, the poet was willing to contribute, as far as was in his power, to the composing the fatal differences, which were now on the point of breaking out between them.

1652. Revived.

The question respecting retrenchments was revived on the twelfth of August. It was then resolved, that it be referred to the council of state, with all convenient speed to give an account of the former vote respecting the retrenchment of the forces [q].

Cromwel prepares to resist.

But by this time Cromwel was fully prepared to meet his opponents. He knew that he could not stand alone, and that, if he wished to put down, or to overrule and dictate to the parliament, he must take care to have a strong party to back him in his enterprise. There were now but two parties, actively concerned and influential in the government of England: the party of the parliament, and that of the army. The first of these naturally carried the weight of law and prescription, so far as these principles were at this time in act and operation, in their favour. They had, to reinforce their pretensions, the reputation of ability, and the advantages attendant on success. But they had a formidable array of obloquy and ill-will to contend with. England was under a form of government that may be considered in many respects as totally new. The monarchy was gone; the peerage, as a corporate body, was extinct; and the people were not represented. The collection of men which called itself the parliament, was no more than an hundred, or an hundred and fifty

Advantages possessed by the party of the parliament.

Its unpopularity.

[q] Journals.

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individuals, the remains of that illustrious assembly which met in November 1640, whom chance had left after a multitude of successive desertions, purgings and proscriptions. Nothing can be more obvious than the contempt into which such a body of men must fall with the unthinking many. In their haughty pretence to be the representatives of the people of England, they were a palpable usurpation. And who would not say, and, hearing it, who would not believe, that they were a contemptible body of tyrants, regarding nothing but their selfish and sordid interests, grasping all power with an indiscriminate and unsparing hand, dividing among themselves the profits, the opulence and the good things of their country, and determined never to resign their power so long as the indignation of Englishmen would endure their wretched monopoly?

Completeness and character of the army.

The army in many respects bore a character as high and unsoiled, as that of the parliament was deformed with wrecks, and tarnished with the imputation of a groveling selfishness. They were unequalled in discipline, and every where crowned with success. They were moral, sober, patriotic and religious. They loved their country, and had passed through hardships, dangers, wounds and death for its preservation, its advantage, and its liberties. They were inspired with an earnest spirit of religion, which raised them above all low and ignoble thoughts.

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But this is not the only view in which we are bound to consider them. Cromwel had to talk to themselves of their own virtues; and in this he was secure of a favourable hearing. He spoke to them of their sufferings and of their achievements. He appealed to them for the integrity of their hearts. He reminded them of the purity and disinterestedness of their public spirit. He called to witness each man for himself, and for what he knew of his brother-soldiers, that there was no baseness in their patriotism. Such, he said, was by no means the case with the statesmen. The soldiers laboured; and these men entered into the fruits of their labours. They divided the good things of the public among them, and enjoyed all in dangerless and womanlike security. Conscious of these advantages, while they lived upon the hardly procured earnings of the poor man, they would never lay down their authority. They had been tried now for nearly four years in the form of a commonwealth; but, while they pretended to be the advocates of equal representation and successive parliaments, they were as far from assenting to their own dissolution, as they had been on the day of the king's sentence.

Arguments addressed to them by Cromwel.

There is a striking contrast between the struggle of the army against the parliament now, and the struggle which had occurred in 1647. Then all had been tumult and anarchy. The private soldier was secretly spurred on by his officers to set

Their perfect subordination.

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up for himself. The private soldiers assembled in unauthorised meetings, and chose themselves agitators. The great body of the army, or a considerable part of it, looked with an eye of jealousy and alienation upon those who were authorised to command them. Mutiny spread with a swift contagion on all sides: the soldiers took up arms to redress their own wrongs, both before and after the king's death: and scarcely any thing but the undaunted temper and the exquisite address of Cromwel would have been sufficient to restore tranquillity. Now the private soldier moved not; there were no clandestine meetings and consultations; they placed an implicit reliance on their officers, and felt an entire conviction of their integrity.

Their confidence in their officers.

Experience doubtless had some share in producing this difference. The private soldier knew himself better, and had more confidence in the sincere heart and pure patriotism of his officer. Cromwel stood much higher in the eye and apprehension of the military. Principally through his prowess Ireland had been subdued, and Scotland. He was commander in chief. He had won the battle of Dunbar; he had won the battle of Worcester.

Importance attendant on Charles the First, while a prisoner.

Another memorable difference in the present case was, that there was no king, for the friends of liberty to fear, or who was at hand to corrupt the frail and the irresolute. Charles the First, as

we have seen, desolate and a prisoner, was still formidable. He was the hereditary monarch, and had the prejudice of ages in his favour. He had at all times a strong party, at first avowed, afterwards concealed. No one could tell how soon, either by intrigue, conspiracy, or the reaction of the public mind stimulated by ancient predilections, he might be restored to all his prerogatives. He had in truth mines of wealth to bestow, when he was without a shilling, and storehouses of titles, honours and greatness, when all that was visible of him was his "grey, discrowned head." The soldiers therefore never could firmly persuade themselves, that there was not some juggle going on between the king and their commanders; every time they visited him, the wounds of jealousy rankled anew; every indulgence they granted or promised him, was a new indication of treachery.

Difficult part which Cromwel had to play on the present occasion.

The things that are here put down, slowly and by parcels only, received utterance from Cromwel. He had a difficult part to play, which required all his address in the performance. He had purged the house of commons in December 1648 with unsparing severity. The present members of parliament were all independents. No man had been allowed to sit in the house without taking the engagement; and, beside this, there was a committee of sure and faithful men, to decide upon each member's character and dispositions, before he was permitted to take the engagement. Several mem-

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bers, who had disapproved the proceedings against the king, and on that account had absented themselves, Vane and St. John in particular, had been brought back by the special invitation of Cromwel. It was with an ill grace that he, who had had so considerable a part in forming and limiting this assembly, could load them with accusations, and bring against them the imputation of sinister views and private ambition. He affected at least to feel the greatest pain at the thought; and, as he afterwards expressed himself in that very point, "sought the Lord night and day, that he would rather slay him than put him upon this work[r]."

Arts by which he succeeded.

The officers were themselves to be deceived. They had, almost all of them, a rooted aversion to the government of a single person. Cromwel therefore had first to convince them that Vane and Bradshaw and Marten, the great apostles of the republican school, and whom he had taught them to look upon with implicit reverence, were dishonest, and next to purge himself from the imputation of personal motives, and every alloy of the love of greatness and the love of power. By degrees, by multiplied protestations of the purity of his views and a self-denying temper, and by an apparent frankness, and the manifestations of a fervent zeal, he succeeded, and formed to himself a party as strong, and as completely moulded to his sugges-

[r] Ludlow, p. 457.

tions and his will, as the boldness of his purposes required.

1652.

On the twelfth of August, the very day that the question of retrenchments was revived in the house of commons, a council of officers was held at Whitehall[s], and the next day a petition was presented by them to the parliament[t], which no longer limited its view to their own particular concerns, but comprehended a general survey of the affairs of the nation.

Further petition of the council of war.

It began with stating that, having had divers meetings to seek the Lord, and to speak of the great things God had done for the commonwealth, it had been set on their hearts as their duty, to offer such things in behalf of their country, as in their judgments and consciences might tend to its peace and well being. In pursuance of this design they therefore had with one consent thought fit humbly to present to the house the following particulars, desiring they might be taken into early and serious consideration. First, that speedy and effectual means might be taken for the propagation of the gospel, that profane, scandalous and ignorant ministers might be ejected, and men approved for godliness and gifts encouraged, that a convenient maintenance might be provided for them, and the unequal, troublesome and contentious way of tithes be taken away. Secondly, that a speedy

Its contents.

Prays for a reform in religion:

for a reform in the law,

[s] Several Proceedings, No. 151. [t] Journals. Whitlocke.

BOOK III. 1652.

and effectual course might be pursued for the regulation of law, in matter, form and administration, in all particulars in which it was needlessly vexatious, or burthensome to the people. For this purpose they recommended that the results already agreed on by the committee appointed for that end might be without delay taken into consideration, and that the committee might be encouraged to proceed. Thirdly, that a speedy and effectual course might be taken by act of parliament or otherwise, that such as were profane, scandalous or disaffected in all places of authority and public trust might be removed, and their places filled with men of good public affections and blameless lives: it being the desire of all good men, that the magistrates, and such as have public trust, might be men of truth, fearing God, and hating covetousness. Fourthly, that a committee might be appointed in each county to redress the abuses of the excise. Fifthly, that such as had freely lent on the public faith, or deeply suffered for their constant and good affections to the public might be considered, and a way found out to give them satisfaction, and, first of all, the poorer sort, who were not able to subsist without it; and this to be chiefly regarded, before any more of the revenue should be given to particular persons. The sixth and seventh articles related to the arrears of the soldier, and the articles of war granted to the enemy, which were by all means to be made good.

in persons in public trust,

in the abuses of the excise,

in favour of the public creditor,

of the arrears of the soldier, and articles granted to the enemy.

Eighthly, that the whole revenue of the state might be brought into one treasury, and the account of receipts and disbursements be published yearly or half-yearly. That there might be but one treasury.

Ninthly, that, in regard of the present great affairs of the parliament, a committee might be appointed of persons not members, to consider of the charge and inconvenience that arose to the commonwealth from monopolies, pluralities of places of profit, unnecessary places, and large salaries. Against monopolies and unnecessary places.

Tenthly, that a way might be considered of for a thorough and effectual suppressing of all vagabonds and common beggars, by setting to work such as were capable, and providing for the subsistence of such as through age and decrepitude were unable to relieve themselves. Against vagabonds and beggars.

Eleventhly, that effectual provision might be made, that such as had served the parliament in the late wars should not be bereaved of the fruits of their industry by the exclusive nature of several corporations. Against exclusive corporations.

Twelfthly, that, for the public satisfaction of the good people of this nation, speedy consideration might be had of such qualifications for future and successive parliaments, as should tend to the election only of such as were pious, and faithful to the interest of the commonwealth[u]. For successive parliaments, and pious and faithful representatives.

The persons by whom this petition was presented were commissary-general Whalley, colonels Hacker, Barkstead, Okey and Goffe, and lieu- Its reception.

[u] Several Proceedings, No. 151.

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tenant-colonel Worsley[w]. The petition was received with every token of deference and consideration. Many members were dissatisfied with the proceeding, and looked upon it as improper, if not arrogant, from the officers of the army to the parliament, their masters; and Whitlocke privately advised Cromwel to put a stop to such proceedings, as what might in time come home to himself; but the general made slight of his warning[x]. After much debate the parliament resolved to refer the petition to a committee, consisting of Cromwel, Whitlocke, Lisle, the earl of Pembroke, Marten, Scot, Harrison, Ingoldsby, and twenty-five other members, who were directed to enquire how many of the particulars in the petition were already under consideration, how far they had been proceeded in, and whether any new powers were necessary to enable the persons commissioned to proceed more effectually; and to report accordingly. The speaker also, by the direction of the house, gave thanks to the petitioners, both for their good affections formerly displayed, and their care of the public expressed on the present occasion[y].

Proceedings on the bill for putting a period to the present parliament.

In the following month a report was made from this committee upon the state of the proceedings on the bill for setting a period to the sitting of t parliament, and providing for successive parlia-

[w] Ibid. [x] Whitlocke, Aug. 13.

[y] Journals. Several Proceedings, No. 151.

ments; and the result was the dissolution of the grand committee, or committee of the whole house, which had sat on the bill at intervals for the last eleven months, and referring the bill to be perfected, to the very committee from whom they received this report[z].

Conference of Cromwel and Whitlocke.

The next considerable circumstance that is handed down to us, is a dialogue that passed between Cromwel and Whitlocke on the seventh of November in the evening in St. James's Park. Cromwel joined Whitlocke in the public walk, and, after a little conversation, took him aside into a more private part. Cromwel began:

Cromwel asks Whitlocke's advice.

My lord commissioner, I know your faithfulness and engagement in the same cause as myself and the rest of my friends, and am aware of your ability in judgment, and your particular friendship and affection to me: I am therefore desirous of advising with you in the critical affairs of our present condition. Really, my lord, there is very great cause for us to consider the dangerous condition we are in, that we be not fooled out of the mercies God has given us, and broken to pieces by our jarrings and animosities one with another.

Complains of the parliament.

Cromwel then went on to observe the dissatisfaction of the officers of the army, that they were not rewarded according to their deserts; and that others who had ventured least, and had undergone

[z] Journals, Sept. 14.

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neither hazards nor hardships for the public, had engrossed all the good things of the commonwealth. He added, The army begins to have a strange distaste for the parliament, and I wish there were not too much reason for it: but really their pride, ambition and self-seeking, their delays of business, and designs to perpetuate themselves, their meddling in private matters between party and party, contrary to the institution of parliament, their injustice, and the scandalous lives of some of the chief of them, are too notorious to be either overlooked or excused.

Whitlocke's reply.

Whitlocke in reply admitted many of Cromwel's allegations, yet added: I am sure your excellency will not look upon them as generally depraved; and, for myself, I hope well of the major part of them, when great matters come for a decision. At all events we must consider, that we ourselves have acknowledged them for the supreme power, and taken our commissions from them; and to curb and restrain them after this, it will be hard to find how it is to be done.

Cromwel's question respecting a king.

In answer to this, Cromwel, understanding the character of the man, and the predilection of lawyers in general for old forms, laid aside the reserve and self-denial which he so religiously kept up with his brothers of the war, and, agreeably to the original frankness and boldness of his nature, abruptly asked, What if a man should take upon him to be king?

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1652.

To this question Whitlocke first observed, One of the main points of controversy between us and our adversaries, has been whether the government of this nation shall be in a monarchy, or in a free state or commonwealth; and most of our friends have engaged with us in hopes of the latter, and for that have undergone all their hardships and difficulties. They are fully persuaded, though I think mistakingly, that under that form they shall enjoy more liberty and right, both civil and religious, than under a monarchy. Now, if your excellency should take upon yourself the title of king, this state of the question will be wholly determined, and the matter that remains will only be whether a Cromwel or a Stuart shall be our king.

Whitlocke's answer.

Whitlocke further proceeded, in conformity with his true character, by calling Cromwel's attention to Charles the Second. He added, This prince, being now, by your valour, and the success God has given to our arms, reduced to a very low condition, he and all about him cannot but be likely to hearken to any terms, by which their lost hopes may be revived, of his being restored to the crown, and they to their fortunes and their native country. By a private treaty with him you may secure your friends, and make yourself and your posterity as great as any subject ever was. You may set such limits to monarchical power, as will secure our spiritual and civil liberties, and may insure the

He recommends Charles the Second.

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cause in which we are engaged, by having the power of the army and the militia continued in yourself, and whom you shall agree upon after you.

The conference broken off.

Cromwel, not relishing the turn the conversation had taken, put an end to it somewhat abruptly. He said, There is certainly a great deal of reason in what you propose: but it is a matter attended with embarrassment and difficulty, and it will therefore be well to take time to consider it, before we say more. And from this time he seems to have altered his countenance to Whitlocke, no longer placing in him the unreserved confidence he had hitherto appeared to have done[a].

Duke of Gloucester allowed to go to the continent.

In the close of the year a remarkable circumstance occurred, which may afford a further index to the mind of the general. This was no other than a permission granted to the duke of Gloucester, the youngest son of Charles the First, to transport himself to the continent. This prince was born on the eighth of July 1640, and in August 1650, had been sent, as to a remote station, with his sister Elizabeth, to Carisbrook Castle in the isle of Wight, the place of confinement of his father[b]. Here the princess soon after died[c]. The duke however remained, with his tutor, of whom Clarendon speaks in terms of high approbation[d],

[a] Whitlocke, Nov. 7.
[b] Leicester's Journals, p. 103.
[c] Ibid. Sept. 8.
[d] Clarendon, Vol. III. p. 526.

till the end of the present year, when he was dismissed, with a sum of money to defray his voyage, and the promise of an annual stipend, provided he did not join his brother and family[e]. 1652.

Motives of this proceeding.

This proceeding may be regarded in two points of view. It has an appearance of generosity, that a youth of considerable promise, and so near to the throne, should be gratuitously dismissed. And it is not unnatural to combine it with the projects which were now plainly contemplated by Cromwel. The duke of Gloucester had been mentioned more than once, as the only remaining male issue of Charles the First, who was unspotted with the stain of civil war; and Whitlocke and Widdrington are understood at one time to have inclined to the advice, that, passing over the two elder sons, the crown should be conferred on the duke of Gloucester[f]. It was therefore obviously the policy of Cromwel, who aimed at the throne for himself, to remove this unexceptionable pretender in the lineal succession. As Whitlocke however had already recommended the eldest son to Cromwel as the person to whom he should address his negociations, it seems but fair to regard the dismission of Gloucester as an act of magnanimity.

[e] Ibid. Echard. This may very possibly, considering the old mode of computing the year from the twenty-fifth of March, signify the commencement of 1653.

[f] See above, p. 4, 297.

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FIFTH YEAR OF THE COMMONWEALTH.

COUNCIL OF STATE,

Installed, December the First, 1652.

OLD COUNCIL.

Members who sat in the four preceding councils, 15.

Bulstrode Whitlocke, } Keepers of
John Lisle, } the Seal.
Henry Rolle, Chief Justice.
Oliver St. John, Chief Justice.
Oliver Cromwel, Lord General.
John Bradshaw.
Valentine Wauton.
Sir Arthur Haselrig, Bart.
Sir Gilbert Pickering, Bart.
Sir William Masham, Bart.[a]
Sir Henry Vane, Knt.
Sir James Harrington, Knt.
Thomas Scot.
William Purefoy.
Dennis Bond.

Members who sat in the second, third and fourth councils, 2.

Thomas Chaloner.
John Gurdon.

Member who sat in the first, second and fourth councils, 1.

Robert Wallop.

Members who sat in the second and fourth councils, 2.

Sir Peter Wentworth, Knt.
Herbert Morley.

Member who sat in the third and fourth councils, 1.

Nicholas Love.

NEW COUNCIL.

Members who sat in the first, second and third councils, 3.

Thomas lord Grey of Groby.
Sir Henry Mildmay, Knt.
Philip Skippon.

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[a] Sir William Armine, Bart., died in the spring of 1651. Order Book, May 5, 1651. [This note should have come in at page 292.]

Member who sat in the first and second councils, 1.

William Earl of Salisbury.

Members who sat in the third council, 13.

Edmund Prideaux, Att. Gen.	Walter Strickland.
Sir William Brereton, Bart.	William Say.
Sir John Bourchier, Knt.	Robert Goodwin.
Sir John Trevor, Knt.	William Cawley.
Maj. Gen. Thomas Harrison.	Thomas Lister.
Ald. Francis Allen.	John Fiekler.

George Thompson.

New Members, 3.

Richard Ingoldsby.	Algernon Sidney.

Richard Norton.

Mode of appointing the president changed.

A FURTHER alteration took place in the council of the fourth year, beside that of changing the period of instalment, and beginning the sittings in December, instead of in the February following. Bradshaw, who for two years had occupied the president's chair, applied in the beginning of the third to be excused from the duties of that office. But, as he states it, he "could not obtain the favour[b]." In the fourth year however, the mode of proceeding was altered, and the office of president was appointed to continue only for one month of twenty-eight days. In consequence the presidents of that year were, Monday, December the first, Bradshaw; Monday, December the twenty-ninth, Whitlocke; Monday, January the twenty-sixth, Haselrig; Monday, February the twenty-third, viscount Lisle;

Names of presidents.

[b] Milton, Papers of State, p. 65.

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Monday, March the twenty-second, commissioner Lisle; Monday, April the nineteenth, chief justice Rolle; Monday, May the seventeenth, Vane; Monday, June the fourteenth, the earl of Pembroke; Monday, July the twelfth, Bond; Monday, August the ninth, Purefoy; Tuesday, September the seventh, sir James Harrington; Tuesday, October the fifth, sir William Constable (twenty-two days); Wednesday, October the twenty-seventh, sir William Masham (twenty-six days); Monday, November the twenty-second, sir William Constable again (eight days).

In the fifth year of the commonwealth the presidents were as follow, Wednesday, December the first, Whitlocke; December the twenty-ninth, Rolle; January the twenty-sixth, Bradshaw; February the twenty-third, the earl of Salisbury; March the twenty-third, Bond[c].

[c] Order Book of Council.

CHAPTER XXVI.

EXPENCES VOTED FOR THE ARMY AND NAVY.—SALE OF THE ROYAL PARKS ORDERED.—NEGOCIATIONS BETWEEN A SELECT BODY OF OFFICERS OF THE ARMY, AND OF MEMBERS OF PARLIAMENT.—DESIGNS MEDITATED BY CROMWEL.—DISCUSSIONS CONCERNING THE DISSOLUTION OF PARLIAMENT.—SEA-FIGHTS OF THE ENGLISH UNDER BLAKE, AND THE DUTCH UNDER VAN TROMP.

THREE days later than the above conversation with Whitlocke, it was referred by parliament to the council of state, to bring in an estimate of the charge of the army and navy for the following year[a].

Estimates for the army and navy.

On the twenty-fourth the annual question arose of naming the members of the council of state for the year 1653; twenty-one being to be chosen from the present council, with twenty who had not sat in the present year. There were one hundred and twenty members of parliament who voted in the nomination; and one member, who came

Council of state chosen.

[a] Journals, Nov. 10.

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in after the papers with the votes of each had been given, and who accordingly withdrew. Cromwel had one hundred and fourteen votes, Whitlocke one hundred and two, St. John one hundred and one, chief justice Rolle one hundred, Vane ninety-eight, and the rest a smaller number[b].

Expenditure voted.

Before the end of the month the estimates were brought in by Vane[c]; and on the fourth of December it was resolved that the sum of one hundred and twenty thousand pounds *per* month should be appropriated to the armaments by land and sea, eighty thousand to the army, and forty thousand to the navy[d].

Sale of the royal parks ordered.

About the same time it was resolved that Windsor Castle and Park, Hampton Court, Hyde Park, the royal Park at Greenwich, and Enfield Chase should be sold, and the produce appropriated to the use of the public[e]. The vote respecting Hampton Court may be considered as personally hostile to Cromwel[f]; and the whole was certainly little in accord with his present idea of aspiring to the crown. The bill for the sale of these houses and parks was read a first and second time on the sixth of December[g]. On the twenty-ninth it was moved and carried on the report, that Windsor Castle and Hampton Court should be taken out of the bill; but this vote, as far as related to Hampton

Hampton Court.

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[b] Ibid, Nov. 24, 25. [c] Ibid, Nov. 27. [d] Journals.
[e] Ibid, Nov. 27. [f] See above, p. 275. [g] Journals.

Court was reversed, and the bill passed into a law on the thirty-first[h]. The act also included Somerset House; and the produce of the whole was ordered to be appropriated to the use of the navy[i]. A bill for the sale of the royal forests was read a first and a second time on the eighth of January[k]. About the same time a bill was ordered to be brought in for the sale of certain cathedrals[l]; but the question appears to have proceeded no further. 1652.

Two days after the vote for allowing eighty thousand pounds *per* month only for the maintenance of the army, it was referred to the committee of the army to confer with the general and his officers, as to how this retrenchment might be carried into effect without injury to the public[m]: and on the first of January an arrangement was accordingly brought in and adopted for that end[n]. Proposed reduction of the army. 1653.

Meanwhile Cromwel was incessant in his efforts to make a strong party against the parliament. The house, as Whitlocke informs us, was busy in debate on various bills which were before them, but made little progress[o]. The soldiers on the other hand exclaimed against their delays, affirming that it was but too plain that their real object was merely to promote their private interest, and glut the immoderateness of their ambition[o]. Slow march of public affairs in parliament.

[h] Ibid. [i] Scobel. [k] Journals.
[l] Journals, Jan. 11. [m] Ibid, Dec. 6. [n] Journals.
[o] Dec. 1652, Feb., Mar. 1653.

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1653. Cromwel recommends an interval between the dissolution of this parliament and the calling another.

So far back as the preceding October, Cromwel brought about various meetings between the officers of the army and certain leading members of parliament, for the purpose of convincing the latter, of the necessity of putting a speedy end to their sittings. There were ten or twelve such meetings in all [p]. Cromwel's proposition was, that, the parliament being dissolved, the government *ad interim* should be intrusted in the hands of a small number of persons of honour and integrity, and whose characters should be well known to the public. The number mentioned was forty. They were to supersede the council of state, and to consist of members of parliament and officers of the army [q].

Way in which this measure would have forwarded his purposes.

We have already seen that this was the first step towards the execution of the design of Cromwel to make himself king. Other steps would doubtless in succession have become necessary. But it would have been no mean advantage in the interim, to remove every existing legislative and executive body that had the appearance of being founded upon the customs and institutions of England. The proposed senate, or council of forty, would have been moulded in a manner agreeable to his wishes; or at worst he depended upon having a majority among them whom he could render

[p] Speech of Cromwel to Barbone's Parliament, *apud* Parliamentary History, Vol. XX, p. 158.

[q] Ibid, p. 164. Whitlocke, Apr. 20.

subservient to his purposes. Cromwel did not aim at being an absolute monarch. He loved power; but at the same time, from the habits and modes of thinking to which he had been formed through a long course of years, he loved liberty. First of all however, he desired to assume the title and externals of a king. Next was to follow, a free and a full parliament, the equal and genuine representative of the people of England.

History of the political constitution of England.

He reasoned thus. England, through every successive period of her history has had a king. The prejudices of the great mass of her inhabitants are in accord with that form of government. It is interwoven with all her statutes. The very lawyers can scarcely see a single step before them, without the idea of such an office as the pole-star of their proceedings. The tenure of every inch of land in the country is, either directly or indirectly, feudal: that is, involving in it the idea of the supreme leader of an army, dividing the soil, in greater or smaller parcels, among his followers. Take away this idea; and you almost wholly unsettle all the notions of property that have been entertained; and our judges and courts would scarcely know how to determine any question of conveyance, entail, or inheritance, that came before them. We cannot expect suddenly to raise mankind to any standard of visionary perfection; we must accommodate ourselves to their preconceptions, and take advantage of their prejudices.

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1653. Successive revolutions of the monarchy.

This is the true key and explanation (thus reasoned Cromwel) to the unsettled and unnatural state of the people of England, from the commencement of the commonwealth, and in reality from the beginning of the civil war. The adherents of republicanism have always been a very small party among us, and the government has for years been conducted by a palpable minority of citizens with arms in their hands, successfully controling and overawing the majority by the energy of their proceedings. Once give them a king, and this unnatural state will be brought to an end. It is of little significance whether the chief magistrate be a Stuart or a Cromwel. The dynasty of the Saxons drove out that of the Britons; and the Normans successfully put an end to the power of the Saxons. The house of Lancaster usurped over the house of York; and the house of York over the house of Lancaster; to whom succeeded the Tudors, the most palpable usurpation of all. The Stuarts have forfeited their rights by the most unremitting efforts to establish an arbitrary power. They have been put down and exiled by a victorious war, the way in which almost all governments have been changed. I am called, by a most striking series of events, and (as Cromwel no doubt thought) by the voice of God himself, to seize the vacant throne; and by so doing I shall secure the everlasting gratitude of posterity. I am worthy of a crown; I have those qualities of

Application made by Cromwel of these premises.

understanding, of energy and benevolence, out of which a beneficent sovereign is naturally made. Who is senseless and presumptuous enough to find these qualities in the sons of our late tyrant, who by the laws of all human concerns forfeited the claim to a throne for all his descendants?

Monarchical government regarded by him as the cure for existing evils.

Cromwel firmly believed, that this change, at once simple, natural, and obviously dictated by the whole course of events, would restore every thing to its proper position. The people, so superstitious, so little formed to reflect and to reason, and who follow one another blindly, and heedless as a flock of sheep follows the bell-wether, will be satisfied if we give them a king, as their ancestors had before them, and like all the nations round about them. Till then, as the Jews looked back to the land of Egypt, so will the English look to the exiled Stuarts, and fancy they will never be well, till the line of their ancient monarchs be restored to them. Once give them a king, and the vulgar will be satisfied with the pomp, and retinue, and bombast of a court, and the lawyers will be satisfied by the restoration of the antiquated jargon of the Norman institutions. By so decided and irrevocable a step, the memory of a line of princes, fetched half a century ago from the north side of the Tweed, will be speedily obliterated: and, party being extinguished, we shall no longer have, as now, a small handful of rulers dictating to an unwilling nation; but, all being satisfied in

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all their prejudices, they will send up representatives from every corner of the island, willing cheerfully to aid in the support of a strong, a victorious, and a patriotic government.

Progress of the bill for putting an end to the present parliament.

The first thing pressed by Cromwel on the house, on the day that he took his seat after the battle of Worcester, was that they should immediately resume the consideration of the question for setting a time for the close of the present parliament, and for calling another under such rules, qualifications, and other circumstances, as might best conduce to the safety and welfare of the commonwealth: and this business was incessantly urged upon them, till, two months afterwards, they came to a resolution that the present parliament should not continue beyond the third of November 1654. When again, in the last preceding August, Cromwel and the council of war came before the house with a petition on the most important points of political economy, the main suggestion of the petition seemed to be, that they should take under their speedy consideration such qualifications as might be proper for future and successive parliaments[r]. Accordingly the first measure that was resolved on, was the dissolution of the grand committee on the bill for putting a close to the present parliament, which had sat for many months, and referring it to a select committee, from whom greater dispatch might be expected.

[r] See above, p. 421.

The amendments determined on by this committee were reported to the house on the twenty-third of February, but were discussed by them only one day in each week, being five times in the course of the month of March. The latest amendment with which we are acquainted, was one, changing the day for terminating the present parliament, from the third of November 1654, to the third of November in the present year[s].

1652. Sea-fight of Blake and Van Tromp in the Downs. November 29.

But, however precarious was the situation of the government, they did not on that account in the slightest degree relax in their attention to the conduct of public affairs. There was an engagement between Blake and Van Tromp, who was now restored to the command of the Dutch fleet, on the twenty-ninth of November; and, by some mismanagement, the English came off with small success on that occasion, and their countrymen were grievously disappointed. The states general had exerted themselves to the utmost, and had sent out their oldest and best commander with a fleet of seventy or eighty ships of war. Thus equipped, he sought Blake in the Downs. The

[s] Further Account of the Grounds and Reasons for Dissolving the Parliament, in Several Proceedings, No. 187. "Here is great thoughts and preparation for a new parliament; some of our friends are apt to think a new parliament will favour us and our cause more than this has done." Letter of Roger Williams, dated from Sir Henry Vane's seat in Lincolnshire, April 1, 1653, *apud* Backus's History of New England, Vol. I, p. 287.

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1652.

The English are defeated.

number of Blake's ships did not reach to more than half that of Van Tromp's; and, besides, many of them were by no means in a condition accommodated to the trial of a sharp engagement. Blake in this instance, in the impatience of his valour, seems to have forgotten the discretion incumbent upon him, as one intrusted with an important command. The battle began at eleven or twelve in the day, and continued without cessation till it was dark. Half the English ships were not engaged; and the heat of the contest was principally borne by the Victory, the Vanguard, and the Triumph, Blake's own ship. He was at one time engaged, single-handed, with twenty of the Dutch; and his rigging, sails, yards and hull were reduced to a desperate condition. In the evening the Garland, a ship of forty-four guns, was taken by the enemy. The Bonaventure, hastening to relieve the Garland, was several times boarded, but as often succeeded in clearing her deck of the invader. At length, her captain being killed, she was taken. Blake, hastening on the same errand, had his fore-top-mast shot away by the base, and was twice boarded, and yet got off. That part of the fleet that was engaged, was miserably shattered and torn, and, had it not been for the night, would hardly have escaped. Blake retired up the river, and sheltered himself in the harbour of Leigh[t]. It was after this battle that Tromp is

[t] Heath, p. 330. Le Clerc, p. 324.

said to have paraded his fleet in the Channel, with a broom fixed to his top-mast, for the purpose of signifying, that he was resolved to sweep the seas of the ships of the English[u].

1653. Memorable victory of Blake off the isle of Portland.

The council of state made the most vigorous exertions to restore the honour of their country, and to humble the Dutch, and by their indefatigable efforts enabled Blake to take the sea in the beginning of February with eighty ships of war, where he speedily fell in with Tromp, with an equal number of ships of war, and two hundred merchantmen under his convoy. Nothing more seems to have been necessary to the English commander, than to have some degree of equality with the enemy, to secure to him the most auspicious results. The battle began on the eighteenth off the isle of Portland, continued for three days, and was fought on both sides with the most determined bravery. In the close however it was found that we had taken or destroyed seventeen or eighteen of their ships of war, with the loss of only one of ours, which we emptied of so many of its crew as were left alive, and then sunk. We

Feb. 18.

[u] Philips, edit. 1696, p. 615. Echard. On this occasion John Lilburne boasts of his forbearance towards the government, observing that it had always been his principle "never to strike his adversary when he is down;" and again professing his sympathy with the "present day of England's adversity by her wars with Holland." John Lilburne Revived (dated March 1653, new Style), p. 1 and 7.

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took also thirty of their merchantmen, beside thirty or forty which were destroyed. In a word, this was far the most complete victory that had occurred in the war[w]. The English commanders on this occasion were Blake, Dean and Monk.

Character of the English at this time as warriors, its causes.

This, one of the latest of the republican battles, must not be dismissed, without calling the attention of the reader to some of those considerations which made the English of this period so superior as warriors, to their contemporaries of any other nation.

Nature of the government.

First, they were commonwealthsmen, and had much of a Greek or a Roman spirit. Men rose under the auspices of the Long Parliament by merit, and not by patronage or bribery. Each felt himself the citizen of a free state, where there was no king, no house of peers, and no prelates; in a word, where no creature bearing the human form existed, that, from the caprice of favour, or the accident of birth, was entitled to insult over, and trample upon other men, who, except so far as depended on that, were as good as he.

The profession of a sailor not divided from that of a soldier.

There was, at the time of which we are treating, no strong line of separation between the profession

[w] Blake's Dispatches, in Parliamentary History, Vol. XX, p. 116, *et seqq.* Several Proceedings, No. 178, 179. Heath, p. 335. Le Clerc, p. 329. His account makes the loss of the Dutch only four ships of war taken, and five sunk, and twenty-four merchantmen. He adds, *Les Anglois exaggeroient leur avantage, les Hollandois extenuoient leur perte.*

of a soldier and a sailor. When persons were wanting to man the fleet, and to fight the battles of their country in the Dutch war, they were drafted from the army[x]. All the lessons they had learned ashore, they carried with them to the ocean. They were still citizens, who had gone forward to where their duty, and the voice of their country called them, and who were afterwards to return, each man to his hearth, to enjoy the benefits they had secured by their valour. They were familiarly acquainted with the character of their freedom, and understood the value of liberty, both civil and religious.

Influence of the spirit of religion in both.

Lastly, the sailor was not less penetrated than the soldier with all those feelings that rose out of the devout spirit of the times, for, as has already been said, the classes were not divided. A sense of religion was scarcely ever so deeply engraved upon the people of any age or country, as upon the men of the victorious party, by whom monarchy was extinguished in England in the middle of the seventeenth century. Happy is he who can unite the loftiness of an erect and independent spirit, to a conscious intercourse with, and an undoubting reliance on the protection of, the Author of the Universe. Religion is then chiefly an evil, when it inspires men with a selfish, an exclusive, and a pusillanimous frame of thinking. The republicans of this period regarded themselves

[x] See above, p. 395.

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as fighting in the power of the Lord. It was not they who won the field; but the Lord who gave them the victory. They sought not themselves; they sought the kingdom of Christ, or in other words, as they understood it, the kingdom of genuine piety and true virtue. They emptied themselves of vain-glory; and, having purged their spirits of the grossness of terrestrial things and carnal impulses, they believed that they were chosen vessels in the guidance of the great Master of all. They fought, they acted, and they walked, as in the sight of God. No pusillanimous thoughts, no timidity or cowardice, could therefore find harbour in their bosoms. They feared the divine displeasure, because the divine displeasure is ever directed against what is evil, and had no apprehension of "what man could do unto them[y]." These habits of mind rendered them at once heroic and invincible[z].

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[y] Psalm LVI, 11. This spirit is marvellously displayed by Harrison, Cooke, and others, in the Trials of the Regicides.

[z] I am tempted to illustrate this principle from my Lives of Edward and John Philips, Nephews of Milton. Appendix, No. IV: On Ben Jonson, and Milton's imitations of that Author.

"The difference between the two poets may perhaps best be illustrated from the topic of religion. They had neither of them one spark of libertine and latitudinarian unbelief. But Jonson was not, like Milton, penetrated with his religion. It is to him a sort of servitude. He 'trembles to think towards the least profaneness.' His religion is therefore what I may call his Sunday's garb. At other times, it is not the principle that actuates, but the check that

controls him. But in Milton, it is the element in which he breathes, a part of his nature. He acts, 'as ever in his great task-master's eye:' and this is not his misfortune; but he rejoices in his condition, that he has so great, so wise, and so sublime a being, to whom to render his audit. It encourages him to a chastised and a sacred boldness. He feels that he has a helper, an ally, and is a 'labourer together with God.' He stands unabashed in his presence, and finds within him a conscious affinity to the divine nature. This his widow expresses in her mode, when, 'being asked whether he did not often read Homer and Virgil, she understood it as an imputation upon him for stealing from those authors, and answered with eagerness, that he stole from nobody but the Muse who inspired him; and being further questioned by a lady who was present, Who the Muse was? she replied, It was God's grace and the Holy Spirit that visited him nightly.'"

CHAPTER XXVII.

CROMWEL CALUMNIATES THE PARLIAMENT.—BILL FOR PUTTING A PERIOD TO THE PRESENT PARLIAMENT, AND PROVIDING FOR PARLIAMENTS TO COME.—CROMWEL SEIZES THE BILL, AND DISPERSES THE ASSEMBLY.—BREAKS UP THE COUNCIL OF STATE.

BOOK III.

1653. Calumnies of Cromwel against the parliament.

MEANWHILE Cromwel, by calumnies, and the most insidious suggestions, had succeeded in alienating the major part of the army from the parliament. His first topic was that they were statesmen, who, without undergoing hardships and being exposed to dangers themselves, were willing to use the army as their tool, and felt no genuine interest in its prosperity and happiness. The next argument was, that these lazy men, these "baleful, unclean birds, perched as they were at fortune's top," divided all the good things and the emoluments of the state among them, totally insensible to the adversities and privations which such a system inevitably entailed upon men of greater merit than themselves. Vane he treated as an obscure visionary, whose speculations no man could understand, and who, while he pretended to superior

sanctity and patriotism, had no bowels of compassion for such as were not ready to engage themselves, heart and soul, in his projects. Others, agreeably to the austerity of the times, he exclaimed against as men of loose morals, and therefore unfit to be intrusted with the public safety[a]. His own professed object was equality, and a pure commonwealth, without a king, or permanent chief magistrate of any kind. We have no reason to believe that to any other person had he expressed himself in the plain and unequivocal terms he had used to Whitlocke. Whitlocke was a man of no party, of a cool and reasoning head, and a lawyer. The great officers of the army were to a man enthusiasts, and, if they had seen his drift, would not have doubted, almost unanimously, to have declared themselves against him.

Indirectness of his proceedings.

We have already seen the numerous conferences which had been held, at the invitation of the officers of the army, between them and certain leading members of parliament. If Cromwel entertained no hope of bringing the latter over to his views, yet these conferences answered his purpose in making him apparent to his own adherents as a friend of sober and moderate proceedings, who could not prevail upon himself to proceed to violence, till he had tried every other expedient to induce his adversaries to recede from their mea-

Conferences between certain officers and certain leading members of parliament.

[a] See below.

BOOK III.

1653. Latest conference. April 19. Proposition of the officers.

sures. The last meeting was held on the nineteenth of April. There were about twenty members of parliament present. The proposition expressly offered by the officers was, that the parliament should without further delay pronounce their own dissolution, and that the supreme power should for the present be devolved upon a competent number of persons, now to be named by both parties, who should not be involved in the schemes, or engaged to the views, which had already been too long under agitation and discussion[b].

Their exceptions to the act now before the house.

The officers frankly declared, that the act now before the house, for setting a period to the present parliament, and providing for a succession of parliaments to come, did not meet their approbation, and should not have their concurrence. They specified various of its provisions which they condemned. One was the extending the duration of the present parliament to November, either in 1654, or in the present year. Another was, that the members now sitting in parliament, should be counted as members in the new parliament, for the places for which they at present sat, without reelection. This they invidiously called a plan for perpetuating the present parliament, and recruiting the house with new members. A third was the making the present house of commons a committee to pronounce upon the validity of the

[b] See above, p. 434.

elections of the new members, and their fitness to undergo the trust that was to be devolved upon them[c].

Secret purposes of Cromwel.

In all these objections the officers of the army were the blind instruments of Cromwel. He determined, for purposes of his own, which he revealed to no one, to have a totally new government. It would have defeated his plan, to have had Vane, or Bradshaw, or Marten, men thoroughly wedded to republican principles, who would have watched him narrowly, and who were incapable of being deluded by the speciousness of his discourses, to have been members of the council.

Views of the statesmen.

It is absurd to say, that the provisions, which as we have seen, the council of officers objected to, were framed with the purpose of engrossing to these men for ever the powers of government. The number of the members who at present sat in parliament, did not exceed one hundred and fifty; and among these were many, officers and others, whom Cromwel judged sufficiently fit for his purposes. The number of the future parliament was four hundred, with the addition of sixty members for Scotland and Ireland. The small band of republicans therefore, that had founded the commonwealth, would, in point of numbers, be swallowed up in the influx of new recruits. But they trusted that their sentiments would not be

[c] Parliamentary History, Vol. XX, p. 130, 159.

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without influence in the new parliament. At all events, by being among them, they should be able to tell their own story, to explain the principles on which they had acted, to develop the real situation of the country, and to warn their successors against evils, into which they might otherwise be in danger of falling, for want of being sufficiently informed of the condition in which the affairs of the public were placed.

Peremptory resolutions of Cromwel.

Cromwel was at this moment as impatient and impetuous, as he affected to be cautious, and sober, and temperate. He considered his plan as matured. He could not endure the idea, that the present parliament should continue for six or seven months longer. He could not endure the idea, that those persons, whose severe principles of government had been to him an insupportable annoyance, should sit in the same council with him. He resolved to have a clear stage. He determined that there should no longer be any government in England, either legislative or executive, but such as should originate in him and his council of officers.

Misunderstandings of the lawyers.

Among the persons who had been summoned to this meeting of the nineteenth of April at Whitehall, were Whitlocke and Widdrington and St. John, three of the most eminent lawyers at that time in England. Whitlocke and Widdrington were most earnest in representing the fatal consequences that would result from so violent a mea-

sure, as the closing the present parliament abruptly, and setting up a new and distinct government. The opposite sentiment was adopted by St. John. He urged, that it was above all things requisite that the present parliament should be forthwith terminated, and that the affairs of the nation could never be beneficially settled so long as they remained in authority [d].

Imperfectness of the information that has come down to us.

It cannot be too deeply regretted that we have no account of these transactions from the pens of the republicans. It is beyond measure to be wondered at, that Vane, however firm and unalterable he shewed himself in action, never committed to writing his own memoirs, or even any explanation or vindication of his conduct in so important a crisis. He seems to have trusted to his own integrity, and to have disdained the thought of entering on his defence. We are reduced therefore to the consulting the statements of his adversaries only [e].

The conference adjourned to the next day.

We are told that this memorable meeting terminated without coming to any precise conclusion. It was agreed that the same parties should meet at the same place the next day in the afternoon: and it was understood, at least by the officers, that nothing new was in the mean time to be at-

[d] Whitlocke, Apr. 20.

[e] The contrast is curious, from sir Henry Vane to the firebrand Lilburne, who wrote a hundred pamphlets upon as many different incidents and embarrassments of his life.

BOOK III. 1653.

tempted in parliament, that might any way interfere with the propositions they had offered to the assembly[f].

Act of dissolution is ready to pass.

The next morning the parliament resumed the consideration of the act for their own dissolution, which had been only once under discussion since the end of March[g]. The amendments from the report had already been decided on in the successive sittings of the house; and all that remained was the third reading, and that sanction of the parliament which should give the bill the force of a law. It was vehemently urged that these forms should be gone through, without giving an opportunity for further delay. This proposition was attended with some debate[h]. General Harrison in a tone of mild expostulation intreated them not to engage in a proceeding, which would so deeply offend Cromwel and his council of officers[i].

Incidents that occurred at Whitehall.

It appears from Whitlocke, that several persons from the adjourned meeting of the day before, were already assembling at Whitehall, and that Whitlocke was himself one of the number. As they sat, intelligence was brought to Cromwel what was doing in the house. Cromwel on this abruptly broke off the meeting, and as many mem-

[f] Parliamentary History, p. 130, 165.

[g] Journals, Apr. 13. Wednesdays were the days fixed for that purpose.

[h] Parliamentary History, p. 130, 165. Whitlocke.

[i] Parliamentary History, p. 130.

bers of parliament as were with him repaired to the house. Still he continued at Whitehall. At length colonel Ingoldsby came to him, and told him, if he meant any thing decisive, that he had no time to lose[k]. 1653.

Cromwel went to the house, attended by Lambert, and five or six other officers[l]. Cromwel came in plain black clothes, with grey worsted stockings[m]. Lambert, as we have seen, had in the preceding year sworn eternal hostility against the parliament[n], and was too happy in accompanying his powerful friend on this occasion. Cromwel took his seat, and for a short time seemed to listen to the debate[o]. The republicans were eager with all practicable speed to pass their act into a law, and for that purpose resolved to dispense with the ceremony of its being engrossed[p]. Cromwel, seeing that the question was about to be put, beckoned Harrison to him from the other side of the house, saying, Now is the time; I must do it[q]. He then rose, and addressed them in terms of great severity, charging them

Cromwel comes down to the house.

Style in which he addresses them.

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[k] Whitlocke. Perfect Politician, p. 168.

[l] Heath, p. 339. The Perfect Politician, p. 168, states Fleetwood to have been one; but he was in Ireland. See Ludlow, p. 425.

[m] Leicester's Journals, p. 139. [n] See above, p. 325.

[o] Ludlow, p. 455.

[p] Parliamentary History, p. 165. In the Journals, Aug. 9, 1659, it is expressly said that it had been engrossed.

[q] Ludlow, p. 456.

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with gross partiality, denials of justice, a grasping disposition, and an interested purpose to perpetuate themselves in power. Suddenly he stopped himself, observing, You think perhaps that this is not parliamentary language; I know it; nor are you to expect such from me[r]. He then walked into the middle part of the house, and paced up and down, like a man agitated with conflicting emotions[s]. Presently he stamped on the floor; and, at the signal, the doors were thrown open, and a file of musqueteers entered. He then said, You are no parliament; I say, you are no parliament: begone, and give place to honester men[t].

Soldiers brought into the house.

Some members, Vane and sir Peter Wentworth, attempted to answer, and expostulate with him. But he looked round him with great indignation, and commanded them to be silent[u]. He then addressed himself to particular members. He spoke with great severity to Whitlocke[w]. He told Vane that he was a juggler, who might have prevented all this, if he would[x]. He pointed to Marten and sir Peter Wentworth as whoremasters[y], and to Chaloner as a drunkard[z]. He accused alderman Allen with having defrauded the public of some hundred thousand pounds as treasurer of the army[a].

Altercations.

The members are dispersed.

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[r] Ibid. Leicester's Journals, p. 139, 140.
[s] Leicester, p. 140. Ludlow, *ubi supra.*
[t] Ludlow, p. 457. Perfect Politician, p. 169.
[u] Ludlow, *ubi supra.* [w] Leicester, p. 140. [x] Ibid, p. 141.
[y] Whitlocke. [z] Dugdale, p. 405. [a] Ludlow, p. 458.

He ordered Harrison to remove the speaker from the chair, who sat still, and shewed no intention to move. Harrison advanced towards Lenthal, and invited him; but he denied that he would be removed, unless by force. Harrison then put his hand within the speaker's, and led him down the steps of the chair[b]. Cromwel next cast his eye on the mace upon the table, and said, What shall we do with this bauble? Take it away[c]. Algernon Sidney, who happened that day to sit nearest to the speaker's right hand, was one of those who refused to move. Then Harrison, and the officer who had brought in the military, laid their hands on his shoulders, and he retired[d]. Cromwel turned round to the retiring members, exclaiming, It is you that have forced me to this: I have sought the Lord night and day, that he would rather slay me, than put me on this work[e]. He then seized on the records, snatched the act of dissolution from the hand of the clerk, commanded the doors to be locked, and went away to Whitehall[e].

Cromwel seizes on the act of dissolution, and orders the doors of the house to be locked.

Whitlocke absurdly remarks, that, "among all the parliament-men, of whom many wore swords, not one offered to draw his sword against Cromwel, or to make the least resistance; but all tamely departed." This is the observation of a person, who had worn a gown all his life, and had never

Commentary of Whitlocke.

[b] Ibid, p. 457. Whitlocke. Perfect Politician, p. 169. Leicester says, he pulled him by the gown.

[c] Ludlow, Whitlocke, Leicester. [d] Leicester.

[e] Ludlow, p. 457, 458. See above, p. 418.

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known what a weapon was fit for. To have destroyed Cromwel by assassination, when the army was predominant, and he was in the height of his reputation and popularity, could have answered no good end, nor have been the act of a man who loved, and understood the interest of, his country. —The remark however merits to be preserved, as expressing Whitlocke's sense of what was done by the general.

Account given by Cromwel to the council of officers.

From the parliament-house Cromwel returned to the council of officers, which was yet sitting. He related to them his exploit, and concluded, When I went to the house, I did not think to have done this. But, perceiving the spirit of God so strong upon me, I would no longer consult flesh and blood[f].—This is a memorable example of self-delusion.

Bradshaw president of the council.

In the afternoon he came to the council of state, attended by Lambert and Harrison. The twenty-eight days for which Bond had been chosen president, expired the day before[g]; and, as we find Bradshaw recorded as presiding on the present occasion[h], we must suppose him to have been called to the chair that very morning. It required a man of his nerve, his deep sense of religion, and his immoveable spirit, to discharge the duties of that

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[f] Echard.

[g] See above, p. 430.

[h] Ludlow, p. 461. Ludlow does not say he presided, but his narrative clearly implies it. The latest day of which there is any record in the Order Book, is April 15.

day. It must have been sufficiently known what was about to happen; and, since the fate of the commonwealth could not be averted, all that remained was, that it should so die, as was most worthy of the days it had lived. Cromwel was to be met and confronted by a man who in his person should represent the freedom and the majesty of the republic, which had now entered far into its fifth year; and, amidst all the heroes of that hour in England, it is not too much to say that there was no other person from whose lips the accents of a dying state not unmeet to be numbered with ancient Athens or Rome, could so worthily have been pronounced.

Position in which he stood.

Perhaps no man was ever placed in so illustrious a situation as that which Bradshaw occupied at this moment. He was to face one, in that age, so far as related to an ascendancy over the minds of his fellow-creatures either in war or in peace, the foremost man in the world. By an extraordinary coincidence the same individual who had presided at the trial of a legitimate king, and who had pronounced sentence of death upon him for his multiplied delinquencies against his people, was now called upon from another chair to address a usurper in the most critical moment of his career, and to set before him in firm and impressive terms the deed he had perpetrated, and was now perpetrating. Cromwel was backed by all his guards, and by an army of the highest discipline, and the most undaunted

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and prosperous character. Bradshaw appeared before him in the simple robe of his integrity. The lord general was the most resolute of men, and who could least endure an idle shew of opposition. The parade of contradiction, and the pomp of declamation, would have been useless. A few words (a brief and concentred remonstrance) were enough. They were uttered; and Cromwel ventured on no reply. Abashed the traitor stood.

Cromwel breaks up the council.

Cromwel, having entered the council-chamber, thus addressed the members who were present. Gentlemen, if you are met here as private persons, you shall not be disturbed; but, if as a council of state, this is no place for you: and, since you cannot but know what was done in the morning, so take notice, that the parliament is dissolved. To this Bradshaw answered, Sir, we have heard what you did at the house in the morning, and before many hours all England will hear it: But, sir, you are mistaken to think that the parliament is dissolved; for no power under heaven can dissolve them but themselves; therefore take you notice of that.—With this protest the council rose, and withdrew[i].

The act of dissolution not to be found.

It is beyond measure extraordinary that no copy of the bill itself for putting an end to the present parliament and calling another, which had been three years before the house, which had gone through all the forms, upon which committees had

[i] Ludlow, *ubi supra.*

sat for times innumerable, which had received amendments without end, and which was now upon the very point of passing into a law, is any where to be found: at least it has escaped my most diligent enquiries and researches. When the Long Parliament resumed its sittings in 1659, an order was given on the ninth of August, that search should be made for it[k]; and it was possibly produced.

This circumstance much to be regretted.

This bill was finally the great object of contention between Cromwel and his officers on the one hand, and the parliament on the other. The simplest and most manly defence that the parliamentary leaders could have made, was to render this act, in the best way they could have devised, an imperishable record.* If it could not bear the light, if it could not stand the investigation and dissection of all profound and impartial enquirers, then indeed the cause of the parliamentary statesmen was a dishonourable one. It would likely enough have given occasion to cavils; it would have afforded an opportunity to those who stop at general maxims, and refuse to examine the circumstances of a case, who consider only what is abstractedly best, and not what is humanly practicable, to censure its authors. This inconvenience they should have despised. Here undoubtedly Vane and his coadjutors ought to have taken their stand; they

[k] Journals.

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ought boldly to have said, This bill comprises the best that we were able to do or to devise for the people of England: By this let us be judged to the latest posterity.

Abstract of its contents given by Ludlow.

In the slenderness of information we possess on the subject, the following abstract by Ludlow may be of some value. "The act for putting a period to the parliament was still [September 1652] before a committee of the whole house, who had made considerable progress therein, having agreed upon a more equal distribution of the power of election throughout England: and, whereas formerly some boroughs that had scarce a house upon them, chose two members to be their representatives in parliament (just as many as the greatest cities in England, London only excepted), and the single county of Cornwal elected forty-four, when Essex and other counties, bearing as great a share in the payment of taxes, sent only six or eight; this unequal representation of the people the parliament resolved to correct, and to permit only some of the principal cities and boroughs to chuse, and that for the most part but one representative, the city of London only excepted, which, on account of the great proportion of its contributions and taxes, was allowed to elect six. The rest of the four hundred, whereof the parliament was to consist (besides those that served for Ireland and Scotland) were appointed to be chosen by the several counties, in as near a proportion as

was possible to the sums charged upon them for the service of the state, and all men admitted to be electors, who were worth two hundred pounds in lands, leases, or goods[l]."

They are in part copied into Cromwel's institute, entitled, The Government of the Commonwealth of England.

We have however a higher authority than that of Ludlow for the project and distribution of the representative body, intended in the act for dissolving this parliament and calling another. Cromwel put an end to the Little Parliament of his own nomination on the twelfth of December in the present year, and, being inaugurated Lord Protector four days after, brought forward his scroll, entitled the Government of the Commonwealth of England, Scotland and Ireland, and the Dominions thereunto belonging. This institute contains a complete outline of the future representation; and we have every reason to believe that it was copied in this respect from the act in question. The representatives for England and Wales are appointed to be four hundred; and the qualification of an elector is determined to be an estate, real or personal, to the value of two hundred pounds[m]. The distribution of the representation is, as stated in Ludlow, that only some of the principal cities and boroughs should be allowed to

[l] Ludlow, p. 435, 436.

[m] The qualification required in Fairfax's Agreement of the People, was merely, that the electors were to be natives or denizens of England, householders, not receiving alms, or being servants to any individual. See above, p. 48.

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send members to parliament, and that for the most part but one member for each, the city of London only excepted, which was to send six. The rest of the four hundred were to be chosen by the counties[n]. We may therefore, in this plan of representation, consider the parliament as having survived itself, and bequeathed to their countrymen, till the Restoration of the Stuarts, such a scheme of equal representation, as they judged under all the circumstances would conduce most to the advantage of the people of England.

[n] The whole will be found more fully described in Chapter XXXV.

CHAPTER XXVIII.

CHARACTER OF THE LONG PARLIAMENT BY CONTEMPORARY WRITERS.—APATHY OF THE NATION ON THE EVENT OF THEIR DISPERSION.—SPECULATIONS ON THE POSSIBLE RESULT, IF CROMWEL HAD NOT DISPERSED THE PARLIAMENT.—QUESTION OF THEIR IMPUTED CORRUPTNESS CONSIDERED.

1653. Character of the Long Parliament by Ludlow.

Ludlow observes[a], It was thus that Cromwel contrived "to be rid of this parliament, that had performed such great things, having subdued their enemies in England, Scotland and Ireland, established the liberty of the people, reduced the kingdom of Portugal to such terms as they thought fit to grant, maintained a war against the Dutch with that conduct and success that it seemed now drawing to a happy conclusion, recovered our reputation at sea, secured our trade, and provided a powerful fleet for the service of the nation. And, however the malice of their enemies may endeavour to deprive them of the glory which they justly merited, yet it will appear to unprejudiced poste-

[a] p. 452, 453.

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rity, that they were a disinterested and impartial parliament, who, though they had the sovereign power of the three nations in their hands for the space of ten or twelve years, did not in all that time give away among themselves so much as their forces spent in three months." But Ludlow is a party writer, and as such, will be distrusted.

By Whitlocke.

Let us turn then to Whitlocke, a man of a singularly clear head, and who, amidst all the turmoils of faction, kept himself in a state of perpetual neutrality. "Thus it pleased God," says he, "that this assembly, famous through the world for its undertakings, actions and successes, having subdued all their enemies, were themselves overthrown and ruined by their own servants; and those who they had raised, now pulled down their masters: an example, never to be forgotten, and scarcely to be paralleled in any story, by which all persons may be instructed how uncertain and subject to change all worldly affairs are, and how apt to fall, when we think them highest. All honest and prudent indifferent men were highly distasted at this unworthy action."

By Mrs. Hutchinson.

Mrs. Hutchinson says[b], "The parliament had now, by the blessing of God, restored the commonwealth to a happy and plentiful condition, and although the taxes were great, the people were rich and able to pay them, they had some

[b] Vol. II, p. 197.

hundred thousand pounds in their purse, and were free from enemies in arms within and without, except the Dutch, whom they had beaten, and brought to seek peace upon honourable terms. And now they thought it was time to deliver the people from their burthens, which could not be but by disbanding unnecessary officers and soldiers." 1653.

By Algernon Sidney.

Algernon Sidney says[c], "When Van Tromp set upon Blake in Folkestone Bay, the parliament had not above thirteen ships against threescore, and not a man that had ever seen any other fight at sea, than between a merchant-ship and a pirate, to oppose the best captain in the world. But, such was the power of wisdom and integrity in those that sat at the helm, and their diligence in chusing men only for their merit, was attended with such success, that in two years our fleets grew to be as famous as our land-armies, and the reputation and power of our nation rose to a greater height than when we possessed the better half of France, and had the kings of France and Scotland for our prisoners."

By Roger Coke.

The following testimony is the more worthy of notice, as coming from the pages of one who had been a bitter and a scornful enemy[d]. "Thus by their own mercenary servants, and not a sword

[c] Discourses concerning Government, p. 222.

[d] Roger Coke, Detection of the Court and State of England, Vol. II, p. 30, Fourth Edition.

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drawn in their defence, fell the haughty and victorious Rump, whose mighty actions will scarcely find belief in future generations. And, to say the truth, they were a race of men, most indefatigable and industrious in business, always seeking for men fit for it, and never preferring any for favour, nor by importunity. You scarce ever heard of any revolting from them; no murmur or complaint of seamen or soldiers. Nor do I find that they ever pressed any in all their wars. And, as they excelled in the management of civil affairs, so it must be owned they exercised in matters ecclesiastic no such severities, as either the covenanters, or others before them did upon such as dissented from them. Nor were they less forward in reforming the abuses of the common law."

Never certainly were the obsequies of any assembly crowned with such epitaphs.

Addresses of congratulation to Cromwel and his officers.

Addresses were diligently sent up from various quarters to Cromwel and his council of officers, thanking them for what they had done, and in which of course the authors congratulated themselves and the nation, that they were at length delivered from the tyranny and intolerable oppressions of the parliament. The earliest of these was from the fleet, dated April the twenty-second, signed by Dean, Monk, and the several captains of the vessels, Blake being absent from indisposition[e]. That from the commissioners in Ireland,

[e] Several Proceedings, No. 187.

Fleetwood, Ludlow, Miles Corbet and Jones, went no further than to express their submission to the present government, without giving any opinion as to the wisdom or equity of the revolution that had been effected [f].

Apathy of the nation on the event.

It is sufficiently memorable, that, whatever may be the judgment of impartial posterity on the labours of this assembly, which sat from the sixth of December 1648 (the day on which the house was purged by the army) to the twentieth of April 1653, their dispersion seems to have been looked upon without a sigh, and the annihilation of their authority was effected without a struggle. One only address appears to have been presented by certain citizens of London, praying for their restoration.

Causes of this apathy.

The principal cause of this is to be found in the anomalousness of their authority. The government of England had been from the time of Henry the Third by king, lords and commons. In the beginning of the year 1649 two of these branches had been superseded and set aside by the arbitrary decision of the one that remained. The commons of England had been represented on the third of November 1640 by five hundred and six members [g]. The greatest number that we find to have sat since the death of Charles the First was one hundred and fifty [h]. This smaller number had been selected

First, the smallness of the numbers of the representatives.

[f] Ibid, No. 190.

[g] See above, Vol. II, p. 26.

[h] See above, p. 121.

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by no rule. Their exclusive privilege of representing the nation had originated in the event of the sixth of December 1648; the actual house of commons from that time having consisted of the members whose sitting had been sanctioned by the army, and such other of the representatives of the counties, cities or boroughs, as these members had afterwards admitted to incorporate with them. The house of commons, or, as they styled themselves, the parliament, thus constituted, was in reality a body recognised by no law, into whose hands the power of governing the nation had fallen by a strange series of accidents and events. They were supported by the authority of the army; and, as long as the army and this body of men were in good understanding with each other, it would have been found extremely difficult, to say the least, to deprive them of the functions they assumed.

Secondly, the arbitrary continuation of their power.

Another circumstance which must never be lost sight of, is that they governed in unquestionable opposition to the sense of the majority of the nation. Early they had confessed that the liberties of England essentially depended on the government being in the hands of free and successive parliaments. Yet they had never dared to reduce this principle to practice, by calling the people to a fresh election of their representatives. By thus arbitrarily prolonging their power, they virtually confessed themselves to be no better than usurpers.

Numerousness of the malcontents.

The consequence of all thiswas, that they had

no hold on the support of the nation. The people feared them, and obeyed. By their conduct, by the policy of their proceedings, and by their successes, they became well entitled to general admiration. But the nation could never look upon them as their lawful governors. And, when we recollect how prone a free people are to murmur against the most legitimate authority, and to shew themselves discontented and hostile to the wisest measures, we shall cease to wonder that this remnant of a parliament was less loved and approved by the nation they governed, than they were admired. The royalists, the adherents of a long line of English monarchs, were at all times a strong party. The Stuarts were in exile, the natural object of compassion and generous affection, and in their present situation incapable of affording fresh offence and ground of displeasure to those whom they called their subjects. The presbyterians, who may be considered at this time as the mass of the nation, had originally drawn the sword against the king, and felt great impatience at being now trampled upon and kept down by a party, who, till within a few years, had scarcely been heard of. The nobility, that great proportion of the landholders, who derived their immunities and prerogatives from the Norman conquest, and who at that time had regarded the whole people as their slaves, were not extinct. The wonder in reality is, not that this shadow of a parliament was not loved,

1. The royalists.

2. The presbyterians.

3. The nobility and their dependents.

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and that England did not rejoice under the benign shadow of their authority, but that their rule was endured, and that it continued so long unquestioned.

Speculation on the possible result if Cromwel had not dispersed the parliament.

It is a curious speculation to consider what would have been the issue, if the unhallowed ambition of Cromwel had not prompted him to interrupt the sitting of the parliament. They not only could not stand against his hostility; they needed his cordial support. He had in reality been in some measure their creator; he had invited Vane and St. John to join them; he had put them in a condition to confer substantial benefits on their country. Their project had been, slowly and gradually to convince the nation of their worth; to shew that they were qualified to govern, and to render a people prosperous and happy; to acquire by solid services their good will and approbation; and then to throw themselves on their suffrages. It was but a short time to the November of 1654, or of the present year, the period that was to be appointed by law for the termination of the present parliament. England, it must be confessed, was not ripe for a republican government; it contained within its boundaries many royalists, men all of whose passions led them to prefer a court and its mummeries, and a multitude of bigots, who believed the nation would never thrive, unless all forms of religious faith were proscribed but their own. If the generation of men then exist-

ing could have been induced to concur in founding a state that should rival the noblest times of Greece and Rome, it could be solely owing to the unparalleled patience and ability of its present rulers, hoping against hope, and undiscouraged and undismayed by a thousand obstacles.

Critical state to which England was reduced by him.

It was but a small fragment of the ancient form of the Britannic constitution that remained in April 1653; and this, so far as related to legislative power, Cromwel demolished at a blow. He dispersed the parliament in the morning; he drove out the council of state in the afternoon. Henceforth there was nothing left but military authority, the general and the council of war. Or, whatever was more than this, was the character and temper of the English nation, their love of order, their high moral qualities, their religious prepossessions, their good sense, and their faculty of reasoning and reflection. These never subsisted in greater activity than at the present moment. And this was all that stood between them and the wildest anarchy, or the most unlimited despotism.

Views of the statesmen.

It was a sacred pledge that Cromwel now held in his hands, the liberties and the future fortune of the English nation. It was a gem, richer than all he could give them in exchange. Up to the morning of the twentieth of April the parliament had under their direction and control the future form of the liberties of England. They were deeply sensible of the sacredness of the trust. The way in which it was to be delivered down to their

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children was the theme of their daily thoughts and their midnight meditation: Above all, they were resolved not to be precipitate. They believed that every moment in which they retained the question undefined, and refrained from putting the last seal to it, might be employed in rendering the people more worthy of liberty, more capable of understanding its value, and better prepared to use it as such a blessing deserved.

Expectations excited by them.

It is incalculable the mischief Cromwel did by this one rash act. He taught them the profaneness of every thing that was sacred. Thus far, they had seen a grave assembly of lawgivers, men of religion and peace, anomalous indeed in its constitution, and capricious in the demarcation of who were and who were not its members, that yet at least conducted the government prosperously, subdued its enemies abroad and at home, employed itself daily in the concoction of good laws and wise institutions, and was studious for the present welfare and future happiness of the nation. The mixed mass of the inhabitants did not always indeed understand their measures and their projects; but they waited patiently for the unwinding of the drama. They heard them occasionally reflected on and calumniated; but they knew that the best things were not inaccessible to misrepresentation. A considerable portion at least of the most respectable part of the community expected good things at their hands.

Consequences of Cromwel's proceeding.

Cromwel dispersed and annihilated this assem-

bly in a moment. He made all that was sacred among men appear like a house of cards. This assembly was all that the genius of England had to trust to; and he shewed by the experiment that this could not stand the shock of one rude military hand. He made a clear stage. He shewed that constitutions and the bulwarks of human rights were upon a level with the sports of children. There was henceforth nothing stable, nothing on which for human affections to fix their attachment. What seemed excellent and venerable one day, was swept away on the next. And the final result, after six years of fluctuation and crisis, was that a part of the people willingly subsided under the shadow of ancient institutions without discrimination, for the sake of something constant and permanent, while the other part, having been so often baffled in their most sanguine expectations, stood by, as uninterested spectators, in hopeless apathy.

His arbitrary character.

The scene of this day affords us an ample illustration of the arbitrary character and daring spirit of Cromwel, in which qualities he was never surpassed, and which we shall have occasion to see repeatedly exemplified in the sequel.

Charge of corruptness in this parliament examined.

One species of attack has been so repeatedly made on the character of this parliament, that it must not be passed over in silence. They have been charged as the most venal and shameless of men, attentive only to the filling their own purses, and heaping estate upon estate with insatiable

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avarice. And, as they never gave any answer to this charge, it has passed current, with little exception to the present day.

They engrossed the great offices of state.

They possessed the great offices of the state. A moment's reflection would have told us this, without need of an accuser. It is difficult to conceive how the affairs of a great and flourishing people should have been administered otherwise. And, as the scurrilous writers of the royalist party have represented them as a combination of coblers and draymen, persons raised from the dregs of the people, it was but natural for them to call upon us to unite in indignation against such men, pushing great noblemen and opulent statesmen from their places, and occupying their seats in their stead.

Members of parliament, with their emoluments, List of, by Clement Walker: First Century.

The first author of this accusation of venality and peculation, is a writer that has frequently come before us, Clement Walker, in the First Part of his History of Independency, printed in the year 1648. He has given a "List of Names of Members of the House of Commons, annexing to each such Sums of Money, Offices and Lands, as they had given to themselves for Service done and to be done against the King and Kingdom." The list contains one hundred names, and the author has entitled it the "First Century." A Second Century, according to Anthony Wood, was added by Wharton, the astrologer, in the same year[1].

Second Century, by Geo. Wharton.

[1] Athenæ Oxonienses, Art. Geo. Wharton.

CHAP. XXVIII.

1653. Mystery of the Good Old Cause.

At length the whole was condensed and amalgamated in a tract, entitled, The Mystery of the Good Old Cause Briefly Unfolded, published a few months after the Restoration. This tract exhibits about one hundred and ninety names of supposed defaulters [k].

Self-denying ordinance explained.

This severe arraignment of the members of the parliament dissolved by Cromwel, is built in the first place upon a mistake. The object of Clement

[k] This despicable libel is reprinted in Cobbet's Parliamentary History, with the following introduction: "A motion had been made, 4 August [5 August] 1648, for reviving the ordinance against places of profit being held by members of parliament. A day was appointed for taking it into consideration, but postponed from time to time, and at last entirely laid aside; most of the members having very powerful reasons for dropping such an enquiry, as will appear by a curious pamphlet, a copy of which will be found in the Appendix to the present volume." [Note, the resolution was made, and twice repeated, in the month of August 1648, during the ascendancy of the presbyterians, so that the independents had nothing to do with it; and the words of the resolution are, "that the house take into debate the offices conferred on members of the house, and public monies by them received." The clause of the self-denying ordinance referred to, stands thus, "Provided always that, during this war, the benefit of all offices, being neither military nor judicial, hereafter to be granted, by both or either house of parliament, or by any authority derived from thence, shall go and inure to such public uses as both houses of parliament shall appoint; and the grantees shall be accountable to the parliament for all the profits and perquisites thereof, and shall have no profit out of any such office, other than a competent salary for the execution of the same, in such manner as both houses of parliament shall order and ordain." Journals of Lords, April 3, 1645.]

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Walker was to collect a list of the names of such as held offices, as he says, "contrary to the self-denying ordinance." Now it has already appeared that there were two self-denying ordinances: and it has been the artifice of the enemies of the commonwealthsmen to confound these two together. The first ordinance forbade any member of either house of parliament from bearing any office, civil or military, during the war. This ordinance was proposed in the house of commons on the ninth of December 1644, and was rejected by the lords on the thirteenth of January following[l]. A second self-denying ordinance was then brought in, and passed into a law on the third of April 1645. This was essentially a temporary measure, and extended no further than the discharging members of either house of parliament from the offices they then held, without so much as forbidding their reappointment[m]. The question with Clement Walker and his fellows was, whether the members of the house of commons were not bound in delicacy to conform to the law, which they had passed, and the lords had rejected. This idea however was set aside, not covertly and clandestinely, but in the most open manner. When it was determined in autumn 1645, to recruit the house of commons by issuing writs for new elections in the room of those members who had de-

[l] See above, Vol. I, p. 394, *et seqq.*

[m] Ibid, p. 409.

serted their seats by adhering to the king, Fairfax, Blake, Ludlow, Algernon Sidney, Ireton, Skippon, Massey and Hutchinson, some of the most considerable officers in the army, were among the persons returned to occupy the vacant seats[n].

Analysis of Walker's List.

Walker's list therefore, which forms the most considerable part of that in the Mystery of the Good Old Cause, contains the names of many who can by no construction be considered as corrupt men and peculators. Twenty-one persons are put down, merely because they were at one and the same time members of parliament, and colonels in the army. Blake, Dean and Rainsborough appear for no reason, but because they were admirals. Algernon Sidney, and six others, because they were the commanders of garrisons. Strickland, because he was an ambassador; and sir William Armine because he was a commissioner in Scotland. It was expressly provided by the second self-denying ordinance, that the commissioners of the great seal, and the commissioners of the admiralty, navy and revenue, should not even be disturbed in their places; yet their names swell the list. It includes some of the most eminent presbyterians, Hollis, sir John Merrick, and sir William Waller. It includes Hampden. Both Centuries were drawn up and published, before the triumph of the independents, and the death of the king.

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[n] See above, Vol. II, p. 40, 41.

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1653. Testimonies to the disinterestedness of the proceedings of parliament.

Against this sort of arraignment it appears merely necessary to recal to the attention of the reader one or two remarks from the testimonies to the parliament dissolved by Cromwel, that have been already cited. Ludlow observes, "However the malice of their enemies may endeavour to deprive them of the glory which they justly merited, yet it will appear to unprejudiced posterity, that they were a disinterested and impartial parliament, who, though they had the sovereign power of the three nations in their hands for the space of ten or twelve years, did not in all that time give away among themselves so much as their forces spent in three months." Algernon Sidney celebrates the men who "sat at the helm, for their wisdom and integrity, and their diligence in chusing the persons they employed solely for their merit." And Roger Coke, their enemy, whose whole thoughts were centred in commerce and trade, affirms of them, that they were "a race of men, most indefatigable and industrious in business, always seeking for men fit for it, never preferring any for favour or importunity, and forward in reforming abuses[o]."

[o] It is exceedingly painful, among the calumniators of the parliament, and still more, among the apologists of the violence of Cromwel, to have to record the name of Milton. He says, in his *Defensio Secunda*, published May 1654, "*Cum videres moras necti, privatæ quemque rei, quam publicæ, attentiorem, populum queri delusum se sua spe, et potentia paucorum circumventum esse, quod ipsi toties moniti nolebant, eorum dominationi finem imposuisti.*" "When you [Cromwel] saw them studious only of delay, and perceived each

one more attentive to private advantage than to the public welfare, when you found the nation lamenting over their deluded hopes, which were successfully baffled and disappointed by the power of a few, you at length did that, which they had frequently been warned and intreated to do, and put an end to their sittings."

In the mean time this circumstance furnishes us with another memorable instance of the ascendancy of the mind of Cromwel, whom no one that was animated with high republican sentiments of liberty could fail to love, and in whom it was almost impossible to refrain from placing the fullest confidence. Milton in this publication speaks of his qualities in terms of the most ardent enthusiasm. He says, " At the beginning of the war Cromwel was first trusted with a troop of horse. But speedily, from the judgment which all good men entertained respecting him, the number of his followers rapidly increased, and in the greatness of his enterprises, and the rapidity of their execution, he immediately equalled the most consummate generals. Nor is this wonderful: he was a soldier thoroughly accomplished in the art of self-knowledge, and his first successes were against the internal enemies of human virtue, vain hopes, fears, aspirings, and ambition. His first triumphs were over himself; and he was thus enabled, from the day that he beheld an enemy in the field, to exhibit the endowments of a veteran. Such was the temper and discipline of his mind, moulded, not merely to military subordination, but to the precepts of Christian sanctity and sobriety, that all the good and the valiant were irresistibly drawn to his camp, not merely as the best school of martial science, but also of piety and religion, and those who joined it were necessarily rendered such by his example. These he retained in their duty, whether in times of actual service, or in intervals of leisure, not by bounties and dangerous indulgence, but with his single authority and the customary pay; in which empire over the minds of his followers he was surpassed neither by Epaminondas, nor Cyrus, nor any of the most vaunted generals of antiquity. Thus he formed to himself an army of men, who were no sooner under his command, than they became the patterns of order, obedient to his slightest suggestions, popular and beloved by their fellow-citizens, and to the enemy not more terrible in the field,

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than welcome in their quarters. In the towns and villages where they sojourned in no way offensive or rapacious, abstaining from violence, wine, intemperance and impiety, so that suddenly the inhabitants, rejoicing in their disappointment, regarded them not as enemies, but as guests and protectors, a terror to the disorderly, a safeguard to the good, and by precept and example the teachers of all piety and virtue." Milton then goes on to enumerate the victories of Cromwel at Preston, in Ireland, at Dunbar, and at Worcester, and concludes, "As long as you, Cromwel, are preserved to us, he must want reliance on the Providence of God, who fears for the prosperity and happiness of the English nation, you being so evidently the object of divine favour and protection." We shall see hereafter how Milton tardily and with reluctance was compelled to change his opinion of the general.

It deserves to be remarked as further apparent in this very publication, that the difference in sentiment between Milton and Bradshaw in the important question of the forcible dissolution of the parliament, made no interruption in their intimacy; Milton here celebrating the virtues of Bradshaw with the utmost warmth and eloquence, and expressly speaking of him as a friend whose society and intercourse he should never cease to cultivate.

The entire reliance on the character and intentions of Cromwel, which is here expressed, can scarcely be supposed to have been entertained by such a man as Milton, without personal communication, and assurances as of man to man; more especially as, from his situation of Latin secretary to the council of state, he must have had occasion to see Cromwel almost every day.

There is a tract in the British Museum, entitled, A Letter written to a Gentleman in the Country, touching the Dissolution of the Late Parliament, and the Reasons thereof, dated May 8; on the title-page of which the purchaser, May 16, has written the name of Milton as the author. But, though the opinions expressed in this tract are in a great degree coincident with those which Milton now unfortunately entertained, yet the piece itself is totally deficient in the fervour of composition and elevation of soul, which more or less always mark the writings of this great man.

THE following paper is copied *verbatim* from a broad-side, "London printed, by D. Maxwell, 1659," some time after the re-assembling of the Long Parliament in the month of May in that year.

A CATALOGUE of the NAMES of the Present PARLIAMENT, interrupted April 19, 1653. *Whereof those that do not yet sit, are marked thus* *.

William Lenthall, Speaker.
Earl of Salisbury.
Philip Earl of Pembroke.
Philip Lord Viscount Lisle.
William Lord Monson.
Oliver St. John, Lord Chief Justice.
John Wild, Lord Chief Baron.
Lord Commiss. John Lisle.
Lord Commiss. Bulstrode Whitlocke.
Lieutenant Generall Fleetwood.
Lieutenant Generall Ludlow.
Major Generall Skippon.
Sir Arthur Haslerig.
Sir Henry Vane.
Sir Thomas Wroth.
Sir Thomas Walsingham.
Sir Henry Mildmay.
* Sir Michael Livesey.
Sir Robert Goodwin.
Sir John Trevor.
Sir William Brereton.
Sir Thomas Widdrington.
Sir Richard Lucy.

* Sir Francis Russell.
Sir John Lenthall.
Sir William Strickland.
* Sir John Bourchier.
Sir Gilbert Pickering.
* Sir Peter Wentworth.
Sir James Harrington.
Edm. Prideaux, Atturn. Gen.
Roger Hill, Serjeant at Law.
Erasmus Earle, Serjeant at Law.
John Jones
* James Challoner
* John Moyle
Tho. Crompton
Christopher Martin
Henry Smith
* Miles Corbet
Mich. Oldsworth
Carew Raleigh
* Edward Howard
* John Gurdon
John Fielder
Thomas Atkin
John Hutchinson
* Edmund Dunch

} Esquires

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Tho. Pury, sen.			Simon Meyne	
Tho. Challoner			Tho. Scot	
William Leman			George Fleetwood	
Edmund Harvey			Tho. Pury, jun.	
Henry Marten			William Eyre	
Benjamin Weston			Tho. Boone	
Will. Heveningham			Edmund West	
John Barker			Robert Reynolds	
George Thomson			William White	
Luke Robinson			*Rich. Darley	
*Gilbert Millington			*John Carew	
Augustine Garland			Augustine Skinner	
Henry Nevil			John Dove	
Robert Andrew			Thomas Birch	
Thomas Lister			Nich. Love	
Peter Brook			Philip Smith	
John Trenchard			Valentine Wauton	
Nath. Rich			*Alex. Popham	
Nicholas Gould	} Esquires		Robert Cecill	} Esquires
Algernon Sydney			Isaac Pennington	
John Lowry			John Fag	
William Say			William Hay	
Edward Nevill			Nath. Hallowes	
*John Wastell			Thomas Wayte	
Henry Darley			*Henry Arthington	
*Francis Lassels			Walter Strickland	
William Purefoy			John Pyne	
Nich. Letchmere			*Tho. Mackworth	
John Dormer			Gervas Pigot	
William Cawley			Francis Thorp	
John Nut			Robert Bennet	
Rich. Ingoldsby			Robert Nicholas	
Cornelius Holland			*Rich. Norton	
Edmund Wilde			*John Stevens	
John Corbet			Peter Temple	
James Ash			James Temple	
John Goodwin			John Weaver	

Richard Salwey	Esquires	*Tho. Wogan	Esquires
Herbert Morley		Brampton Gurdon	
James Nelthorp		Robert Wallop	
Robert Brewster		William Sydenham	
John Dixwell		John Bingham	
*Tho. Harrison		Philip Jones	
John Downs		John Palmer	
*John Anlaby		William Ellis	

In all, one hundred and thirty-eight: the following names of persons, who sat in parliament between the thirtieth of January 1649, and the twentieth of April 1653, but which are not contained in the above List, are given from recollection only: the account must not therefore be presumed to be complete.

Oliver Cromwel, dead.
Henry Ireton, dead.
Robert Blake, dead.
Philip, 4th Earl of Pembroke, dead.
Sir William Armine, Bart, dead.
Lord Fairfax.
Edward, Lord Howard of Escrick, expelled [p].
John Fry, expelled [q].
Nathaniel Fiennes.
Francis Rous.
John Crewe.

In all, one hundred and forty-nine.

[p] See above, p. 341.

[q] See the next Chapter.

CHAPTER XXIX.

MISCELLANEOUS PROCEEDINGS OF THE LONG PARLIAMENT.—INTRODUCTION OF THE EXCISE.—ESTABLISHMENT OF THE POST-OFFICE.—COMMITTEES OF PARLIAMENT.—SEQUESTRATIONS.—WRIT OF *HABEAS CORPUS*.—TENURE OF THE JUDGES, *QUAMDIU SE BENE GESSERINT*—ABOLITION OF THE COURT OF WARDS.—ABOLITION OF FEUDAL TENURES.—RELIGIOUS TOLERATION ASSERTED.—CASES OF FRY AND BIDDLE.

BOOK III. Recapitulation.

In the close of the history of this, which is so well known in the annals of our country by the name of the Long Parliament, it is but reasonable that we should pause, to consider its character, and recollect in what state this memorable body of representatives found the government and liberties of their native land, and in what condition they handed them down to those who were to come after them.

Revolutions of the Long Parliament.

The Long Parliament, however we are accustomed to speak of it by one general appellation, underwent many revolutions. It first met, frequent and full, in the close of the year 1640. In the second year of its existence, on the commencement

of the civil war, it underwent a grievous defalcation of its numbers, in consequence of which the king called together what has been styled the anti-parliament at Oxford in January 1644, where one hundred and eighteen commoners gave in their names[a]. In 1647 it suffered external violence, first, from a tumult of the citizens, which induced the speakers, with a number of the members of the two houses, to withdraw from the metropolis, and, secondly, from the army, who restored the speakers, and drove away several members that had favoured the tumult. Lastly came the purging of the house of commons in December 1648, immediately before the king's trial.

Features which characterised it in all its changes.

Yet amidst all these revolutions, from the hour of their first assembling to their final dispersion by Cromwel, the parliament preserved in a certain degree the same character, were the resolute adversaries of despotism and prerogative, and the strenuous supporters of a government and political condition which should repose on the basis of freedom. We will therefore consider the main features of their conduct as legislators, without being at all times anxious to distinguish whether the different circumstances that occur, belong to the parliament, when it was presbyterian or independent, or when the majority of members were the partisans of limited monarchy or republi-

[a] See above, Vol. I, p. 298.

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canism. What we have here to relate will consist principally of measures, which tend in a high degree to exalt their character as legislators, but which thus far, in the rapid succession of events to be recorded, have either been wholly overlooked by us, or very inadequately explained.

Institutions and improvements introduced by them.

In every period of their existence they were under the direction of men of long views, profound reflection, and strong habits of system and method. The first two or three particulars we shall mention relate to them rather as men alive to the general prosperity and well being of their countrymen, than as legislators anxious for the privileges and freedom of all.

The excise.

The system of excise was first introduced into this country by the celebrated Pym in the year 1643[b]. The idea was borrowed from the financial proceedings in Holland. Excise is a tax upon the manufacture of a commodity, paid by the manufacturer; also, on the importation of goods, upon which, if manufactured at home, an excise-duty would be required, an equivalent sum in that case being demanded from the importer. The retailer of excisable commodities has likewise in many cases to pay for an annual licence[c]. Excise there-

[b] Journals of Commons, May 17, 1643. Dugdale, View of the Troubles, p. 120.

[c] I intended to have inserted in this place Blackstone's definition of excise, which, he says, "is an inland imposition, paid sometimes upon the consumption of the commodity, or frequently upon the

fore differs from the duty, denominated customs, in this, that the latter being paid upon the exportation or importation of commodities will often fall on the raw material, whereas the former is only collected upon a commodity ready for sale to the consumer. It is therefore peculiarly distinguished by its being imposed at the latest practicable period, and is in that sense the most economical of all taxes. The earlier any impost is paid, the heavier it falls upon the consumer in the end, since every trader through whose hands the commodity passes, must have a profit, not only upon the raw material, and his own labour and time, but also upon the tax itself, which is paid by him, long before he is remunerated by the consumer. Notwithstanding which it has been observed, that the duties earliest paid are least felt by the people, the merchant being sensible that they do not eventually and in the last result fall upon him, and the consumer being induced to confound them with the intrinsic price of the commodity[d].

Ill adapted to a despotic government.

But this very circumstance renders customs,

retail sale, which is the last stage before the consumption." Commentaries, Book I, Chap. viii. But I felt that I could not understand it; and I applied in vain to persons most conversant with the subject, for an explanation of his language. It is however inserted, "unchewed and whole," and without a comment, in the Encyclopedias. The account given above, was supplied to me by an experienced and skilful friend, Mr. David Booth, the mathematician.

[d] Blackstone, Book I, Chap. viii.

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and duties imposed on the raw material, taxes for slaves; and excise, or a duty on goods already prepared for consumption, a tax for men, who feel that what they pay for is a substantial benefit to themselves. When men are contending for their liberties and every thing that is dear to them, they are prepared to make great sacrifices; and such a people, as Montesquieu says[e], will frequently take on themselves, of voluntary choice, imposts more severe than the most arbitrary prince would dare to lay on his subjects.

Suited to a republic.

Another objection that is frequently made to the duty of excise, is the severity of its collection, since it is found necessary to give to its officers a power of entering into and searching the houses of those who deal in the commodities on which it is laid, at any hour of the day, and sometimes of the night. But this objection is of the same description as the preceding. Undoubtedly a softer and more forbearing mode of treatment may be attained in a mixed, than in a republican government. In the former the individual is more considered; in the latter the public. He who is not contented to sacrifice in a certain degree his individuality and some of his indulgences to the well being of the whole, is not yet sufficiently prepared to become a citizen under the purest and noblest kind of political administration.

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[e] Esprit des Loix, Liv. XIX, Chap. 27.

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A second source of revenue established about the same time was the post-office. For this institution in the form in which it has ever since been enjoyed in this country, we are indebted to Edmund Prideaux, who was afterwards appointed attorney-general to the commonwealth[f]. At the time of the commencement of the civil war he was chairman of a committee for considering what rates should be set upon inland letters[g]; and on the seventh of September 1644 an ordinance passed the house of commons, appointing him to the office of postmaster-general[h]. It does not appear that this ordinance ever received the concurrence of the house of lords. Prideaux was probably already in the exercise of the appointment; and, amidst the discussions of the self-denying ordinance, he being a member of the house of commons, the farther proceeding in this law in the house of lords, was first neglected and afterwards forgotten. From his own narrative we find that he had established a weekly conveyance of letters into all parts of the nation; and that he kept up a regular intercourse of packets between England and Ireland[i].

Post-office.

It is almost impossible for words to do justice

Committees of parliament.

[f] He was the younger son of sir Edmund Prideaux of Devonshire, created a baronet by king James the First. Prince, Worthies of Devon, p. 508.

[g] Journals of Commons, Mar. 28, 1642.

[h] Journals.

[i] Ibid, Mar. 21, 1650.

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to the labours of the Long Parliament. Early after its commencement, above forty committees were appointed to investigate and prepare so many different subjects for the consideration of the house of commons[k]; and as these committees upon an average consisted of twenty persons, and sometimes of double that number[l], almost every member must be supposed to be upon some committee, and the same member was often upon several. The house usually sat in the morning; the committees in the evening. The larger committees had a power of appointing sub-committees of their own body[m], either for expedition, or for a more accurate examination of the subjects that came before them.

Financial proceedings.

When the war broke out in the second year of the parliament, a principal business of the commons consisted in raising and disciplining their armies, and providing resources to meet the numerous demands upon them which the war occasioned: and the admirable skill and diligence with which all this was effected, was one great cause of the success which crowned their enterprise.

Difficulties that attended them.

It has already been observed[n], that "no government in civilized Europe had been carried on with more limited finances than that of Elizabeth: the

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[k] Rushworth, Vol. IV, p. 28.
[l] Journals.
[m] Ibid, Nov. 6, 1640.
[n] See above, Vol. II, p. 50, 51.

fixed revenues had been but little increased since her time: and now, that campaign succeeded incessantly to campaign, that three or four armies at the same time were to be kept up in the field, and that the enterprises, the marches, the skirmishes, the sieges, and the surprises which were undertaken, were almost innumerable, it became necessary to have recourse to very different means and expedients for the public supply, than those which had sufficed for the long period of peace that had gone before. All this would doubtless compose the subject of a very instructive history; but the object of that which is here given, is to treat of contending political principles and systems, and not of the considerations of finance and revenue."

Way in which they are encountered.

There is however one topic of so peculiar a nature, and so closely interwoven with the state of the country as it was found at this period, that it must not be passed over in silence.

Sequestrations.

At the commencement of the civil war the whole country was divided between the king and the parliament: almost every county was shared between the partisans of the one and the other. There was however more skill and concert among the adherents of the parliament. The king issued his commissions of array; the parliament ordered the lord lieutenants of the counties to draw out the militia: the latter was most successful. The noblemen that adhered to the king drew after them

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a multitude of tenants; they particularly surpassed in cavalry: but the inhabitants of the towns were for the most part with the parliament; and they carried with them more of the substance of an army. The nobility with their followers drew together to certain points from which they could most successfully resist an assailant; the parliamentarians occupied the open country. The consequence of all this was, that a great part of the estates of the nobility and the royalists was placed at the mercy of the parliament.

Ordinance for conducting them.

The leaders in this assembly immediately saw a plain course before them, which alone was adequate to meet the multiplied demands that came against them, and which promised at once to answer all the purposes of finance and supply. This was no other than to seize at once the revenues of all the estates of those who openly appeared in arms against them, or who voluntarily contributed to the support of the king's forces. An ordinance for this purpose was passed in March 1643, and committees of sequestration were appointed in the counties, cities, and different places of England, to conduct the business in a regular and orderly manner. Two thirds of the revenues of all Catholics were likewise included in this sequestration[o].

Strictness with which they are executed.

A measure of this sort unavoidably excited a

[o] Scobel, 1643, cap. 4.

loud outcry among the adherents of the king; and a sequestrator was a name regarded by them with the utmost abhorrence. That every active and loyal subject, whose estate lay within the parliament quarters, or was in the reach of their emissaries, should at once be deprived of his whole income, must be a calamity bitterly felt; and the presence of the officers of justice, accompanied for the most part with a detachment of soldiers, who came, armed with the powers of the law, to seize upon persons and houses, to break open locks, and thrust the inmates from their dwellings, tended to aggravate the suffering.

Account of these proceedings by Hollis and others.

But, beside this, it has been the peculiar lot of these measures, and of the persons who were appointed to carry them into execution, to have been as violently censured by those with whom the system originated, as by those against whom their operation was directed. Hollis says[p], "Now I appeal to all men, who they were that had the hand in making all those penal ordinances, so severe for sequestrations, so high for compositions, so insnaring and bloody for making new treasons, and little things to be capital crimes; that no man almost was safe, free from question, and few or none were questioned, but were sure to be destroyed. What committees were set up? That of Haberdashers' Hall, to pill and poll men, even

[p] Memoirs, §. 128.

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fetching in some members of the house to whom they had a displeasure, and generally all men who had crossed or opposed them in any thing." The answer to this is simple: the authors of these measures were Hollis and his friends. The principal part of these laws was passed in the year 1643, when the presbyterians were all-powerful; and the party of the independents, upon which he is desirous of casting the obloquy, did not begin to exist till towards the latter end, or at earliest, the middle of the following year. But, when Hollis and his party were put down, they preferred joining the royalists, and echoing their cries, to the practising any forbearance towards the men who finished the war, and even to the owning and defending those measures, for the good or the evil of which they were principally responsible.—Clement Walker, the "inseparable brother" of Prynne[q], who was himself the most violent and intemperate of the presbyterians, holds the same language[r].

Eminence of the members of the committees of sequestrations.

But let us turn from the accusations which were thus brought against the financial measures of the parliament by men of the most opposite parties, to the real merits of the case. One of the first observable circumstances is, that the committees of sequestration for the different counties comprised persons of the first respectability for cha-

[q] Athenæ Oxonienses, Vol. I, p. 145.

[r] History of Independency, p. 5, 6.

racter and station in each. Among these are lord Fairfax, sir Thomas Fairfax, his son, Hampden, Hollis, Widdrington, Whitlocke, sir Philip Stapleton, sir Gilbert Gerrard, Marten and Blake. A further consideration still more decisive, arises from their records, which were thought to be lost, but which have of late been fortunately recovered. They consist of several hundred volumes[s], which exhibit not merely the names of the delinquents and Catholics through the kingdom, with the particulars and value of their respective properties, but also the nature of the acts of delinquency severally charged against them, by which each person was brought within the scope of some or other of the provisions of the several ordinances. To these are added, the grounds upon which the alleged delinquents ask to be admitted to compound (for all those, in whose case there were any mitigating circumstances, were allowed to pay a fine for their indiscretions, instead of losing their entire revenue), the depositions of witnesses examined as to the truth of these statements, and the reasons for indemnity or allowances in respect to particular items, offered by the different claimants, together with the entire proceedings upon each man's forfeiture or composition. It is not thus that acts of wanton spoliation and violence are conducted. It has been well observed that,

Accuracy and disinterestedness of their proceedings.

[s] These volumes are deposited at the State Paper Office.

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however severe was the execution of these ordinances of sequestration, all was proceeded in regularly, with the forms of justice, and under sanction of the venerable name of law[t]. The right of appeal was given to every one who found himself aggrieved; a right perpetually exercised, and therefore, we may be well assured, not nugatory or fruitless. All the money raised under these ordinances was strictly required to be paid into the hands of the treasurers at Guildhall, from whence it was again issued for the pay and subsistence of the army, and for such other uses as the parliament should direct[u].

Injustice of the censures that have been passed upon them.

These records afford an unanswerable testimony to the falshood of the calumnies which party-rage and disappointment forged against the committees; Hollis affirming[w], that their proceeding was like that of Ahab in the case of Naboth's vineyard, which coveting, and not being able otherwise to obtain, he "suborned certain men, sons of Belial, to bear witness against Naboth, saying, Thou didst blaspheme God and the king;" and thus destroyed the proprietor, and got possession of the property[x]. To which Clement Walker adds, "You may as easily find charity in hell, as justice in any committee;

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[t] For an able article on this subject, see the Retrospective Review, Vol. IX, Part I, art. vi; and again, Vol. XII, Part II, art. i.

[u] Scobel, *ubi supra*.

[w] §. 130.

[x] First Book of Kings, Chap. 21.

so that, where the king hath taken down one star-chamber, the parliament hath set up a hundred[y]."

Measures favourable to civil and political freedom.

But, beside these measures, highly conducive to the welfare of the community at large, or necessary for carrying on the cause in which the friends of freedom were engaged; the Long Parliament deserves to be for ever held in grateful remembrance for the great improvements we derive from them in points most essential to the independence and freedom of man in society.

Writ of *habeas corpus.*

The first of these which may be named, is the writ of *habeas corpus*, by means of which any individual committed to prison may demand to be brought before the judges of the land, to ascertain the cause of his imprisonment, to require that, if accused, the accusation against him may be put in the way of trial with all convenient expedition, or, failing this, that he may be immediately restored to his liberty. This enactment forms an essential part of the act for taking away the court of star-chamber, which received the royal assent in July 1641[z].

Tenure of the judges, *Quamdiu se bene gesserint.*

Another improvement of high importance to the liberties and rights of man in society, relates to the tenure by which the judges, who are appointed to determine questions of law between man and man, and between the sovereign and the subject, hold their office. One of the earliest decisions of the present parliament was the vote condemning

[y] p. 7. [z] Scobel, p. 9. Rushworth, Vol. IV, p. 307.

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the judgment which had been given for the king in the matter of ship-money[a]. And, shortly after, the house of lords appointed a committee, to consider, among other things, of the judges holding their places *durante bene placito*[b]. The next day they deputed seventeen of their body to present their humble desire to the king, that the twelve judges, and the attorney of the court of wards, might hold their places by patent, *quamdiu se bene gesserint*[c]. They accordingly waited on Charles with their request; to which he was graciously pleased to signify his assent[d]. Agreeably to this decision, in the petition of both houses of parliament presented to the king at Oxford, at the close of the first campaign of the civil war, they make it one of their demands, that the twelve persons whom they name for the office of judges, as well as all the judges of the same courts for time to come, should hold their places by letters patent, *quamdiu se bene gesserint*[e].

Character of the judges before the meeting of the Long Parliament. By Clarendon.

Clarendon, in speaking of the judgment that had been given in the matter of ship-money, says[f], "The damage and mischief cannot be expressed, that the crown and state sustained by the deserved reproach and infamy that attended the judges, by being made use of in this and the like acts of

[a] See above, Vol. I, p. 27.
[b] Journals, Jan. 11, 1641.
[c] Journals.
[d] Ibid, Jan. 15.
[e] See above, Vol. I, p. 39. Journals of Lords, Jan. 30, 1643.
[f] Vol. I, p. 70.

power; there being no possibility to preserve the dignity, reverence and estimation of the laws themselves, but by the integrity and innocency of the judges. And, no question, the concurrence of the house of peers in the fury of the times can be imputed to no one thing more, than to the irreverence and scorn the judges were justly held in."

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"The judges," says another historian, "were generally of a stamp, that, instead of upholding the law as the defence and security of the subjects' privileges, they set it aside on every little occasion, distinguishing between a rule of law, and a rule of government. They held their places during the king's pleasure; and, when the prerogative was to be stretched in any particular instance, Laud would send for their opinions beforehand, to give the greater sanction to the proceedings of the council and the star-chamber, by whom they were often put in mind, that, if they did not do the king's business to satisfaction, they would be removed[g]."

By Neal.

Accordingly, it is one of the articles of impeachment against Laud, that, "by letters, messages, threats, and promises, and divers other ways, to judges, and other ministers of justice, he had interrupted and perverted, and sought to interrupt and pervert the course of justice in the courts at Westminster and elsewhere, to the subversion of

Incroachments of Laud.

[g] History of Puritans, Book II. Chap. iii.

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the laws of the kingdom, whereby sundry of his majesty's subjects had been stopped in their just suits, deprived of their lawful rights, and subjected to his tyrannical will, to their ruin and destruction[h]."

Abolition of the court of wards.

A further benefit for which we are indebted to the Long Parliament, is the abolition of the court of wards. Wardship, as we are here considering it, was an institution that grew out of the feudal system. All landed property, according to that system, began with the king. He distributed his domains among his feudal tenants, or, in other words, the officers of his army, and they in return were obliged to serve him in his wars with a stipulated number of followers. But in this obligation it was implied, that the tenant in chief should be capable of military service. There were two cases where this could not happen: first, where the heir was a female, or, secondly, was a minor. It became therefore the established law under this system, that the king could dispose of the female heir in marriage as he pleased, and that he received the whole produce of the estate during a minority. It is easy to see how this prerogative would be abused. It was intended merely to prevent the damage the king might sustain by the loss of the stipulated military service. It grew into a resource by which he might feed the rapa-

[h] Rushworth, Vol. IV, p. 196.

city of his hungry courtiers. To an idle and insinuating favourite he had the undisputed prerogative of giving a great heiress in marriage; or to an individual of that character he might give the wardship of a minor, in consequence of which the receiver entered into absolute possession of the produce of an estate, with no other duty in return, than that he must provide in some way for the subsistence and education of the heir.—The court of wards became early an object of attention and hostility to the parliament[1].

Abolition of feudal tenures.

But the judgment and apprehension of these times went much farther, than to a censure of the abuses of the court of wards. The manners and practices belonging to the feudal system were now nearly obsolete: the private quarrels and warfare between baron and baron were become extinct; and military proceedings, wherever an actual war broke out, were carried on in another fashion than under the Normans and the Plantagenets. Of consequence, the military services, which had at first grown out of the actual state of society, had long been compounded, and exchanged for a different species of payment, though still under the same name, and were made sources of tyranny and oppression in various modes. The great leaders in the Long Parliament were fully aware of this, and resolved to embrace the present oc-

[1] Journals of Commons, Feb. 16, 1641.

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casion to extinguish the evil altogether. A committee was appointed, the conduct of which was intrusted to Selden, to prepare an ordinance to take away at once the court of wards, and all those tenures which were the subject of its jurisdiction, allowing to the king a full annual satisfaction in lieu of the revenue he derived from that source[k]. This was in the second year of the war.

Act of parliament to that purpose.

A bill was accordingly a few months later brought in, and read a first and a second time, for this purpose[l]. But, the war going on, and the remedy by this method appearing to be tedious, the two houses, on the twenty-fourth of February 1646, came to a resolution that the court of wards, and all tenures by homage and knight's service, with all fines, licences, seizures, pardons for alienation, and other charges arising from such tenures, should from that day be taken away[m]. This resolution was turned into an act of parliament under the government of Cromwel[n]; and, with a few additional clauses was reenacted immediately after the Restoration; and is affirmed by Blackstone[o], to be "a greater acquisition to the civil property of the kingdom than even Magna Charta itself."

Its operation on testamentary bequests.

This law, by its indirect operation, opened a wider door to the power of bequeathing property

[k] Ibid, July 24, 1643.
[l] Ibid, Feb. 22, 24, 1644.
[m] Journals.
[n] Scobel, 1656, cap. 4.
[o] Commentaries, Book II, Chapter v.

generally, than had previously subsisted. By a statute of Henry the Eighth [p] all persons were empowered to bequeath two thirds of their lands held in feudal tenure, and the whole of such as were not subjected to such services; and the present law, abolishing all such tenures, gave by consequence an unlimited power to the possessor of landed property under certain restrictions to dispose of the whole by will as he pleased [q].

Religious toleration asserted.

The particulars hitherto mentioned may be regarded as belonging to the credit of the whole of the Long Parliament indiscriminately through all its revolutions. The case is different as to what they did on the subject of toleration. The episcopalians and the presbyterians were the strenuous and decided supporters of religious uniformity: the independents only were the advocates of a liberal system. The episcopalians indeed never constituted a majority of this celebrated assembly; but the struggles were eager and incessant between the two latter parties on this question. The independents at length, but not without having repeatedly been obliged to have recourse to violence, carried their point, that every man should be free to worship God according to the dictates of his conscience; and by consequence, whenever a certain number of men agreed together to worship after a given mode,

[p] 27 Hen. VIII, cap. 10.

[q] Blackstone, Book II, Chapter xxiii.

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they were at liberty to chuse their own preacher and church-officers, and to arrange their ceremonies and forms unmolested. The principal legislative provision on the subject appears to have been the act of the twenty-seventh of September 1650[r], repealing various acts of Elizabeth, the professed object of which had been to establish throughout England an uniformity of religious faith and worship. The chief of these acts were, 1 Elizabeth, chapter 2, commonly called the act of uniformity, and 23 Elizabeth, chapter 1, and 35 Elizabeth, chapter 1, each of them entitled, an act for retaining the queen's subjects in their due obedience[s]. The last of these is the most memorable. It ordains, among other things, that whoever shall be convicted before a magistrate of absenting himself (or herself) from the established church for one month, shall be detained in prison till he conforms; or, if after three months he persists in his nonconformity, shall be required to abjure the realm of England, and shall transport himself out of the country accordingly; or lastly, if he refuses to abjure, or, abjuring, does not transport himself, or, having departed the realm, shall return, shall be adjudged a felon, and shall suffer accordingly. The purpose of the religious policy of the parliament during the ascendancy of the independents, was to provide a full toleration for every form of religion,

Act of uniformity repealed.

[r] Scobel. [s] Statutes at Large, Vol. 2.

with the exception of popery and prelacy. This toleration, of course, did not interfere with the revenues of the church, out of which every minister, duly appointed to a living, received the income thereto belonging.

Further particulars.

But this momentous topic is entitled to something of a fuller elucidation. There are also certain struggles which occurred as to the largeness or limits of the toleration which well deserve to be particularly specified.

Petition of the council of war for toleration.

Cromwel, and perhaps Fairfax, are to be considered as among the persons who eminently distinguished themselves as the advocates of religious toleration. On the sixteenth of August 1649, a petition was presented from Fairfax and his council of officers, praying, that all penal statutes formerly made, as well as all late ordinances, whereby many conscientious people are molested, and the propagation of the gospel hindered, may be removed. The petitioners add, that it is not their meaning, that the liberty desired should extend to the toleration of popery, prelacy, or the book of common prayer, or to the public scorn and contempt of God and his word[1]. Five days after, a letter addressed by Cromwel to the parliament, was read, he being then at Milford Haven on the point of embarking for Ireland, recommending to their consideration the removal of such penal statutes as tend to put a force on the consciences of

Cromwel writes to the parliament to that effect.

[1] Journals. Whitlocke.

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persons sincerely religious[u]. The bill, repealing certain penalties imposed on persons not coming to church, was brought in, and read a first and a second time on the twenty-ninth of June[w]. It appears however to have undergone certain modifications, and to have been brought in afresh on the thirteenth of September; but it did not ultimately pass into a law till the following year[w].

Act of toleration passed.

Act against incest, adultery and fornication.

The petition of the council of officers expressed that, while they were favourable to liberty of conscience, they did not desire that the least indulgence should be shewn to licentiousness or profaneness. And accordingly a bill was brought in in the beginning of the year[x], and shortly after passed into a law[y], for the suppression of incest, adultery and fornication. The punishment of the two former, an exception being made of the case of a woman whose husband should have been three years absent [adultery in this act is understood to relate to a woman in the state of marriage], was ordered to be death. And the punishment of fornication was three months' imprisonment. Every brothel-house keeper was also made liable, for the first offence, to be whipped and branded, and, for the second, to suffer death as a felon[z].

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[u] Journals. Whitlocke. Perfect Politician, p. 51.

[w] Journals. Whitlocke. [x] Journals, Feb. 8. [y] Ibid, May 10.

[z] Scobel, 1650, cap. 10. This law is asserted by Hume and Brodie to have made the punishment of fornication, in case of a second conviction, death. But an inspection of the act will shew the statement in the text to be correct.

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Law against blasphemous and execrable opinions.

A bill was brought in about the same time to correct certain extravagancies in the professors of religion. There was a sect that arose, who had taken to themselves, or, which is more likely, upon whom their enemies had bestowed the name of Ranters. The parliament appointed a committee to consider of the suppression of the "obscene, licentious and impious practices" used by these persons[a]. A law was in consequence made for the "punishment of atheistical, blasphemous and execrable opinions[b]." The crimes condemned by this act, are for any person, not under the influence of sickness or distraction, to affirm of him or herself, or of any other mere creature, that he is God; or that the acts of uncleanness and the like are not forbidden by God; or that lying, stealing and fraud, or murder, adultery, fornication, sodomy, drunkenness, profane swearing, and lascivious talk, are in their own nature as holy and righteous, as the duties of prayer, preaching, or thanksgiving; or that there is no such thing as unrighteousness and sin, but as a man or woman judges thereof. The punishment of these crimes is, for the first offence six months' imprisonment, and for any subsequent conviction to abjure the dominions of the commonwealth, and in case of return to suffer death as a felon. The only qualification of

[a] Journals, June 14. [b] Ibid, June 24, Aug. 9.

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this severity is, that the party shall be indicted within six months of his having committed the alleged offence[c].

Socinianism.

But, however liberal and indulgent were the sentiments of the commonwealthsmen in the matter of toleration, it is difficult to suppose that that spirit of indulgence would not experience some limit, not only from such outrageous opinions and irregular conduct as have just been mentioned, but from the novel doctrines even of sober and pious men which were too much in opposition to articles of faith almost universally received. The tenets of Socinus had been as yet little heard of in England; and a creed, which degraded the second person of the holy and undivided trinity into a mere man, who had no existence till he was born in Bethlehem, could not but be in a high degree revolting to the minds of orthodox believers.

1649. John Fry.

The first person that incurred the censure of parliament now under the direction of the independents, for his heterodox opinions, was John Fry, a member of the house, who had been ap-

[c] Scobel, 1650, cap. 22. It is just that the reader should compare this act, erroneous as it is in its principle, with the presbyterian ordinance against heresy and blasphemy, 2 May 1648, the heads of which are given above, Vol. II, p. 254, 255. The ordinance was passed during the ascendancy of that party; and therefore, when they were completely crushed by the revolution of the following December, it was looked upon as virtually repealed.

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pointed to the high court of justice for the trial of Charles the First. He sat constantly on the trial, till the day before that on which the sentence was pronounced. On that day, January the twenty-sixth, colonel Downes, also a member of parliament and of the high court of justice, exhibited a complaint against him on account of the strange doctrines he had avowed. The parliament in consequence directed that he should be suspended from his functions in both courts till he had satisfied the house in what was alleged against him[d]. Eight days after, his written opinion respecting the trinity was tendered to the house; and, the parliament declaring themselves satisfied with the explanation given, he was readmitted[d].

1649.

He is suspended from sitting in parliament.

Is restored.

What was the nature of this explanation is not now known; but it appears that in the very same month he printed an angry tract against Downes, entitled, The Accuser Shamed; or A Pair of Bellows to blow off the Dust cast upon John Fry. In this tract the opinions expressed by him were not less obnoxious, than those of which he had just before endeavoured to acquit himself. For some reason this publication was for the present unnoticed in parliament. In the following year, however, Dr. Cheynel, president of St. John's College, Oxford[e], printed an answer to Fry's tract; and Fry, not to be behind with his reverend op-

His publications.

1650.

[d] Journals

[e] See p. 93.

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ponent, replied in a piece, entitled, The Clergy in their Colours. Both these tracts were now brought under the notice of parliament; and, after a debate which lasted from morning till night, on the twenty-second of February 1651, they decided the books to be highly scandalous and profane, ordered that they should be burned at New Palace Yard and the Old Exchange, and expelled Fry who acknowledged that he was the author[f]. He died a short time after[g].

1651. He is expelled.

1645. John Biddle.

Another person that was about this time called to account for similar errors of opinion, was John Biddle, who has commonly been looked upon as the father of the Unitarians (Socinians) in this country. Born in the humblest ranks of life, he was early distinguished by the prematurity of his talents, and was placed at grammar-school by the liberality of lord Berkeley[h]. From thence he was sent to Oxford, and was much noticed there for the purity of his manners, and the diligence of his studies. After having taken his degrees, he was chosen master of an endowed school in the city of Gloucester[i]. Here he soon made himself notorious by the novelty of his opinions; and, being betrayed by a friend to whom he communicated a written paper of queries respecting the deity of the Holy Ghost, he was thrown into prison in

Imprisoned for his writings.

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[f] Journals.

[g] Athenæ Oxonienses.

[h] Bidelli Vita, p. 6.

[i] Ibid, p. 10.

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December 1645, being then just thirty years of age[k]. His imprisonment was by the order of a parliamentary committee then residing in Gloucester; but he was immediately after liberated on bail, to appear before the house of commons whenever he should be summoned for that purpose. At the end of six months he was summoned accordingly[l]; and, being detained in London by various examinations without coming to any issue, he at length, in April 1647, addressed a letter to Vane, in which he complained of the great hardship that was inflicted upon him, merely for obeying the dictates of his conscience as to his religious opinions. Vane, with that gallant and generous spirit which uniformly characterised him, immediately proposed that he should be discharged[m]. But his cause being taken up by this chief of the independents, proved a misfortune to him[m]. He was ordered into custody of an officer of the house of commons; and a book, which he appears to have printed about this time, was a few months after voted to be seized, and burned by the common hangman[n]. The author continued in durance till the complete victory of the independents, when he was enlarged upon bail as before, and taken under the protection and patronage of a gentle-

1645. Bailed.

1646.

1647. Vane interferes in his behalf.

Put into close confinement.

His books burned.

1648-9. He is again bailed.

[k] Ibid, p. 15.
[l] Ibid, p. 16.
[m] Athenæ Oxonienses.
[n] Journals, Sept. 6.

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man of fortune and consideration in the county of Stafford[o].

1649. Third imprisonment.

Here however we are told, that Biddle was recalled, and once more committed to custody, by an order from Bradshaw, whom Biddle's biographer designates as his mortal enemy[p]. What is the precise truth on the subject I have not been able to discover. If he were committed by a warrant from Bradshaw, it is very probable that this statesman signed it officially only, as president of the council. But I have not been able to trace such a warrant in the Order Books. If it were in any respect the personal act of Bradshaw, however much we may regret that he should have differed in this particular from his illustrious coadjutor, Vane, who had "learned to know both spiritual power and civil, what each means, what severs each, which few have done[q]," yet it is but just that we should distinguish between one species of persecutor and another. The episcopalians and the presbyterians persecuted, having for their object religious uniformity, and being determined, to the extent of their power, that only one creed should be known through the land. Bradshaw, if he were a persecutor, certainly agreed with his brother-independents in a free allowance of vari-

Bradshaw's concern in the affair examined.

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[o] Bidelli Vita, p. 19, 20, 21.

[p] Ibid.

[q] Milton. See above, p 38.

eties of religious opinion, and had no wish to enslave the energies of mind to a vain effort after uniformity, but had the weakness to be shocked at what he thought blasphemous opinions, and to hold it his duty, by the civil arm to counteract so dire a contagion.—Biddle was finally set free by Cromwel's act of oblivion in February 1652[r]. CHAP. XXIX. 1649. 1652. He is liberated.

[r] Bidelli Vita, p. 22, 23.

CHAPTER XXX.

OBJECTS THAT CROMWEL PROPOSES TO HIMSELF. —HE IS THWARTED BY HIS PRINCIPAL OFFICERS.—DECLARATION OF THE GENERAL AND HIS COUNCIL OF WAR.—NEW COUNCIL OF STATE. —TWO COORDINATE AUTHORITIES.—BARBONE'S, OR THE LITTLE PARLIAMENT SUMMONED.—CROMWEL'S SPEECH.—INSTRUMENT OF GOVERNMENT.—VIEWS WITH WHICH CROMWEL WAS ACTUATED.

COUNCIL OF STATE,

Installed May the Twenty-ninth.

Oliver Cromwel, Lord General.
John Lambert, Major General.
Thomas Harrison, Major General.
John Desborough, Major General.
Col. Anthony Stapeley.
Col. William Sydenham.
Col. Philip Jones.
Col. Matthew Tomlinson.
Col. Robert Bennet.
Sir Gilbert Pickering, Bart.
Walter Strickland.
John Carew.
Samuel Moyer.

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1653. Objects that Cromwel proposed to himself on the dissolution of the Long Parliament.

No sooner was the parliament disposed of, than Cromwel turned his attention to the accomplishing of three measures in particular; the making himself king, the giving to the people a free and full representation in parliament, and the restoration

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of trial by jury for political offences. We shall see how he succeeded in each of these.

1653. Limitations of his power.

The legislative and executive authority by which the government of England had been conducted, from the day, or nearly from the day of the execution of Charles the First, was set aside and annihilated on Wednesday, the twentieth of April. To vulgar observation Cromwel might appear from that day master of the fortunes and the rights of his countrymen. But it was far otherwise. There can exist no such thing, strictly speaking, as a despotical government. One man, to whatever extent by the folly of his species he may be decorated with titles, and endowed with prerogatives, is still but man, an impotent, forked animal, with no force but in his hands, shivering with every wind. Government is founded in opinion: and the sentiments and prejudices of a greater or smaller portion of its subjects form its basis. Just as far as they are prepared to submit to, or to cooperate with his behests, so far is he a sovereign. In the second place, opinion depends very much upon prescription. So much as our forefathers believed, the creed, religious or political, which they have handed down to us, we are inclined to entertain. But Cromwel was a new man; and of those advantages which other governors derive from long established prejudices, he was destitute.

Foundation of political government.

The government of England was at this crisis in the army. They had long been powerful and

The government of England was in the army.

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victorious; and there was no strength at this time able to resist them. They were the very pattern of an entire discipline; and the power of the army was in the officers. This again was matter of opinion and habit. The officers, such as they were, had the confidence of the soldiery. These not only looked up to them with reliance in their judgment and skill: religion came in aid of their authority; they were the masters of sentences to their followers; and many of them were considered as scarcely less than inspired. It happened that they had talents in a great degree to bear out the prejudice entertained in their favour: and, while opinion gave them an influence almost unlimited, they had understanding and discernment enabling them to make an effectual use of it.

And, through them, in their officers.

Cromwel is thwarted in his purposes by his principal officers.

The whole power of the nation was in Cromwel and his council of officers. But, great as he seemed, he had scarcely the power to effect any thing without their concurrence. In what manner he sounded them as to his assumption of royalty, we are left to conjecture. We may be sure that it was with great caution and at infinite distance; since, twelve months after this period, Milton[a] and others expressed their conviction that he did not aspire to the crown. Lambert, it is understood, was ready to cooperate with his views; St. John had wholly entered into his schemes; and the lawyers

[a] Defensio Secunda.

in general are conceived not to have opposed an insuperable obstacle. But he soon became convinced, that he should find small concurrence among the military. Those among them especially who regarded themselves as inspired, were resolute against the government of a "single person." He therefore stopped short for the present; he did not suffer the final aim of his ambition to be discovered; and he turned his attention to the effecting what was within the scope of his power.

Rival purposes of Cromwel and Vane.

Being thus compelled to postpone his principal measure, he came with diminished lustre, and having, as it were, the use of his left hand only, to the other two. Cromwel was in reality a singular compound of profound policy, and wild and undisciplined rashness. No man ever digested his projects with more earnest meditation; but he was again and again run away with by the vehemence of his temper. In this sense there was perhaps a certain degree of truth in his declaration, "When I went down to the house, I did not think to have done this[b]." There was in fact a certain race in political skill that was run on the twentieth of April between Cromwel on one side, and Vane and the republicans on the other. He desired time; it was his purpose that nothing should be immediately decided. Vane on the

[b] See above, p. 456.

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other hand was in haste to carry his cardinal point, that his project as to the mode of dissolving the present parliament, and calling another, should immediately be clothed with the customary forms of law. This was on the point to be accomplished, —when Cromwel called in his soldiers, and put an end to the whole.

Disappointment of Cromwel.

The consequence of this was, that Cromwel had not reached the desired degree of ripeness as to any one of his measures. If he could have made himself a king, have clothed himself in those externals of royalty, to which the English had been so long accustomed to pay deference, he believed that all other things would go well. There would have been the ceremony of a king inaugurated and proclaimed; addresses, as he conceived, would flow in to him from every part of the nation; the government would seem to be fixed on a firm and secure basis. With these preliminaries, he believed he could trust the nation with the election of their representatives; and he felt a confidence in himself, that he could conduct the whole to the desired conclusion.

He perceives that it is dangerous to call a new parliament.

But, stripped of this preparation, Cromwel began to perceive, that his opponents, the republicans, were in the right in their judgment, that the people of England were not yet in a state to be trusted with the unlimited election of the representative body, without an imminent risque that this representative would reverse every thing

that had been done, and determine on the recal of the Stuarts.

1653. Declaration of Cromwel and his council of officers. April 22.

This is the real explanation of the proceedings that took place on the part of the general and his council of officers in the days that immediately succeeded the dispersion of the parliament. Two days after that event there was published a declaration of the lord general and his council of officers, for the purpose of explaining to the public at large the motives which had prompted them to that proceeding. They spoke with great disapprobation of the bill, which had been on the point of passing into a law, and which they represented as an attempt, not to give to the people a new representative, but, under colour of doing so, to recruit their numbers, and so perpetuate their authority. The declaration went on to state, that the officers had suggested to the parliament as an expedient, that they should immediately proceed to put an end to their sittings, and devolve the supreme authority for a time upon persons of integrity and piety, hoping thereby that the people might be induced to forget monarchy, and, understanding their true interest in the election of successive parliaments, permit the government to be settled upon a firm and adequate basis. They added, that, having in vain tried every possible way of persuasion to bring the parliament to enter into these views, the army had at length found them-

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selves compelled to take the execution of the measure upon themselves[c].

1653. Their second declaration.

In this declaration the council of the army promised a more detailed explanation of the grounds of their proceeding that should speedily follow: and accordingly another declaration made its appearance in the course of the ensuing week[d]. But this paper contained little that had not been anticipated in that which preceded it.

A council of state proposed. April 30.

On the last day of April a third declaration appeared in the name of Cromwel, captain general, only. It stated that, whereas it had been promised in the declaration of the twenty-second, that persons of approved fidelity and honesty should be called from the several parts of the commonwealth to the supreme authority, it now appeared that some time must necessarily elapse, before such an assembly could be brought together. It was therefore judged proper, to prevent the mischief and inconveniences which might in the mean time arise to the commonwealth, that a council of state should be constituted to take care of and superintend the peace, safety, and present management of public affairs. This declaration extends to twenty lines only[e].

[c] Several Proceedings, No. 187. Parliamentary History, Vol. XX, p. 137, *et seqq.*

[d] Several Proceedings, *ubi supra.* See above, p. 439.

[e] Moderate Publisher, No. 131. Perfect Politician, p. 173.

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The names of the counsellors did not accompany the declaration; but it appears from the Order Books, that they sat for the first time on the twenty-ninth, and that they were thirteen in number, nine being taken from the military. To these were added Strickland, late ambassador to the United Provinces, sir Gilbert Pickering, John Carew and Samuel Moyer[f]. Of this council a new president was weekly chosen, Lambert being the first, Pickering the second, and Harrison the third[f].

Members of this council.

It is to be observed that the promise quoted in the declaration of the thirtieth, that "persons of approved fidelity and honesty should be called from the several parts of the commonwealth to the supreme authority," is not contained in that of the twenty-second, from which it professes to be taken. It is to be presumed therefore that this was a new thought, occurring to Cromwel and his associates between the former and the latter of these dates. Cromwel, as we have said, being cribbed and shut out from the assumption of that form of authority which he most desired, by the prejudices or principles of some of his most considerable officers, and feeling indeed that the principal men in the state were by no means ripe for so decisive a measure, became convinced that it was altogether unsafe for the present to trust the people with the

An intermediate assembly, before the calling a full parliament, proposed.

[f] Order Books, in the State Paper Office. Thurloe, Vol. I, p. 395. See above, p. 514.

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privilege of chusing their own representatives. He was no less aware that the government, as it now stood, rested upon too narrow a basis, for him to hope thus to give satisfaction to the public mind. He conceived it necessary, that the military authority upon which he at present rested, should be strengthened by a certain appearance of civil concurrence. And this train of thought led to the adoption of a measure, which was first disclosed to the public in the latter end of May[g].

Conference of Cromwel with Carew and Salway.

There is a conversation related of Cromwel, which is calculated to throw considerable light on the state of public affairs at this crisis. Soon after the dispersion of the parliament, Cromwel sent for Carew (who was one of the new council of state) and Salway[h], to whom he complained of the great weight which this revolution had thrown upon him, adding that the thought of the consequences made him tremble, and intreating them to devise some means by which he might be freed from the temptations to which he was hereby exposed. He further requested them to go to St. John, Selden (who has been mentioned in the commencement of this work as one of the founders of

[g] Several Proceedings, No. 192.

[h] They had both of them been in the councils of the third and fourth years. See above, p. 234, 292. Salway had also officiated as one of the commissioners from the parliament to the army at Saffron Walden early in 1647. Vol. II, p. 279, 289, where his name is written Salloway.

the commonwealth[i]) and some others, and endeavour to prevail on them to draw up some project of government, that might put the power out of his hands. To this Salway bluntly replied, The way, sir, to free you from this temptation, is for you not to look upon yourself to be under it; but to rest persuaded that the power of the nation is in the good people of England, as formerly it was[k].

Summons issued to the members of the new representative.

It was in execution of a plan, such as was hinted at by Cromwel in this conversation, that it was announced in several of the newspapers towards the close of May, that the lord general and his council of officers were assembled several days in close consultation, chusing the persons who should sit in the next representative[l]. And early in June a writ of summons was issued, signed by Cromwel only, to one hundred and thirty-nine persons, from all the counties of England, and the city of London, with six representatives for Wales, five for Scotland, and six for Ireland, calling on them in his own name, with the advice of his council of officers, to appear at the council-chamber at Whitehall on the fourth of July, to take upon them the trust of providing for the peace, safety, and good government of the commonweath[m]. Salway was present at this council[n].

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[i] See above, Vol. I, p. 10.

[k] Ludlow, p. 461, 462.

[l] Several Proceedings, No. 192. Perfect Diurnal, No. 181.

[m] Whitlocke, June 8. Parliamentary History, Vol. XX, p. 151.

[n] Ludlow, p. 462.

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1653. Names of the persons of whom it was composed.

Among the persons summoned were the whole of the council of state, with the exception of the four general officers and colonel Tomlinson, two of the generals at sea, Blake and Monk, Henry Cromwel, viscount Lisle, George lord Eure, Salway, Lockhart, afterwards ambassador to the court of France, Montagu, afterwards earl of Sandwich, Howard, afterwards earl of Carlisle, sir Charles Wolseley, and sir Anthony Ashley Cooper[o]. The members for the city of London were alderman Titchborne, alderman Ireton, Moyer, one of the members of the council of state, John Langley, Henry Barton, captain John Stone, and Praise-God Barbone[p]. Fairfax was in the original list, but omitted afterwards[q].

[o] See a fictitious tale respecting this person refuted, Vol. I, p. 439.

[p] Several Proceedings of Parliament (a New Series), licensed by Scobel. Parliamentary History, Vol. XX, p. 176, *et seqq.*

The name of the last of these persons has served as a basis for a multitude of ridiculous fictions. In the contemporary printed lists of this parliament, of which there are four in the British Museum, it is always spelled as in the text. There is however, preserved in the State-Paper Office, a paper, purporting to be the writ of summons to this person, in which the name stands, as it is usually given by historians, Barebone.—How comes this to be the only summons to be found there? Might I hazard a conjecture, I should say it is not improbable that this might be a spoiled summons, and that perhaps from the circumstance of the name being misspelled in it.

Granger, in his Biographical History of England, talks of his having had two brothers, the Christian name of the first of whom was

[q] Names of the Members, First Edition, Folio.

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1653. Powers assumed by the council of state.

In the interval, previous to the meeting of these representatives, the council of state hesitated not to proceed in all acts of government that they deemed to be necessary. They appointed a com-

Christ came into the world to save, and of the second *If Christ had not died, thou hadst been damned.* He introduces his anecdote with the suspicious words, "I have been informed that there were three brothers," and adds, that "some people, tired of the long name of the younger brother, are said to have omitted the former part of the sentence, and to have called him familiarly *Damned* Barebone."

Another writer, the reverend James Brome, in a book of Travels over England, Scotland and Wales, second edition 1707, has endeavoured to render the satire more complete, by giving the names of a "jury returned in the County of Sussex in the late rebellious, troublesome times," as follows: (p. 279.)

Accepted Trevor of Norsham.
Redeemed Compton of Battel.
Faint not Hewet of Heathfield.
Make peace Heaton of Hare.
God reward Smart of Tisehurst.
Stand fast on high Stringer of Crowhurst.
Earth Adams of Warbleton.
Called Lower of the same.
Kill sin Pimple of Witham.
Return Spelman of Watling.
Be Faithful Joiner of Britling.
Fly debate Roberts of the same.
Fight the good fight of faith White of Emer.
More fruit Fowler of East Hodley.
Hope for Bending of the same.
Graceful Harding of Lewes.
Weep not Billing of the same.
Meek Brewer of Okeham.

This precious list has been copied by Dr. Zachary Grey, the celebrated, and no less blindly zealous, editor of Hudibras, in his Examination of the Third Volume of Neal's History of the Puritans, p. 285, note: and has even, in his inexpiable hatred of fanaticism, found its way into Hume's History of England, who has eked it out with the above extract from Granger, and another from Cleveland, the satirist, a contemporary of Cromwel, respecting the frequency of Christian names (Abraham, Isaac, Jacob, Joseph, &c.) taken from the Gospel at that period.—Who sees not that this list

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mittee of five to finish the treaty with the Portuguese ambassador, don Pantaleon Sa[r]. They referred it to the same committee to consider of the treaty with Bordeaux, the resident from France[s]. And they appointed another committee to meet

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of a jury is a mere piece of *mauvaise plaisanterie*, invented by the reverend traveller, or supplied to him by an unlucky acquaintance for the purpose of imposing on his credulity?

It however fortunately happens, that Mr. James Brome has furnished a clue to the whole, by premising to this list of the Sussex jury, that it was given him "by the same worthy hand," that had supplied him with the names of the Huntingdon jury in a preceding page. The story of the Huntingdon jury is this:

The following is the "copy of a jury taken before judge Doddridge at the assizes holden in this place July 1619, which is the more remarkable because the surnames of some of the inhabitants would seem to make them at first sight persons of very great renown and quality." (p. 56.)

Maximilian *King* of Poseland.	William *Abbot* of Stukeley.
Henry *Prince* of Godmanchester.	Robert *Baron* of St. Neots.
George *Duke* of Somersham.	William *Dean* of Old Weston.
William *Marquess* of Stukeley.	John *Archdeacon* of Paxton.
Edmund *Earl* of Hartford.	Peter *Esquire* of Easton.
Richard *Baron* of Bythorn.	Edward *Friar* of Ellington.
Stephen *Pope* of Newton.	Henry *Monk* of Stukeley.
Stephen *Cardinal* of Kimbolton.	George *Gentleman* of Spaldech.
Humphrey *Bishop* of Bugden.	George *Priest* of Graffan.
Robert *Lord* of Waseley.	Richard *Deacon* of Catworth.
Robert *Knight* of Winwick.	Thomas *Yeoman* of Barham.

Of the name of Praise-God itself, as a baptismal appellation, it may not be improper to remark, that it is scarcely more fanatical than that of Deodatus, which is to be found in the records of most of the countries of Europe.

[r] Order Book, May 20.

[s] Ibid.

the agent of the grand duke of Tuscany[t]. They also received and negociated with the ambassadors of the United Provinces, who came after the battle of the second of June to solicit peace, as we shall see hereafter.

They suspend and appoint judges of Wales.

But the most extraordinary stretch of power that occurs in the records of this council, was the displacing or suspending four judges of South Wales, Eltonhead, Norbury, Powel and Clerke[u], and appointing two new judges, John Corbet and John Haggit, for that district[w]. This seems to be connected with a bitter complaint which Cromwel made against the late parliament in the business of Wales, which, he says, was in his mind as perfect a trial of their spirits as any thing that occurred[x]. But no further explanation occurs on the subject[y].

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[t] Ibid, May 21. [u] Ibid, June 18.

[w] Ibid, June 29. Several Proceedings, No. 197.

[x] Parliamentary History, Vol. XX, p. 161.

[y] It is here first that I meet with a list of the twelve judges of England, appointed to go on circuit at the assizes (Several Proceedings, June 25). From hence it appears that they continued the same as they had been constituted, June 1, 1649 (see above, p. 11 and 99), with the exception of three names, Edward Atkins, who had been promoted to the common bench on the death of Mr. justice Pheasant, October 19 in that year (see above, p. 182); and Robert Hatton and John Parker, in the room of Gates and Rigby: but whether these two were regularly appointed on the deaths of the others, or were merely substituted, *pro hac vice*, on account of indisposition, I am unable to ascertain.

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1653. Two coordinate authorities.

The government of England during this short interval appears to have been in a singularly anomalous and inexplicable state. There were two great coordinate powers[z]: the council of officers, which had created the council of state; and the council of state, their creature. We should perhaps have expected the latter of these to have superseded the former, at least so far as the civil government was concerned; but the council of officers do not appear so to have understood it. The act of assessment of one hundred and twenty thousand pounds monthly for the subsistence of the army and navy, was to expire on the twenty-fourth of June; and, fifteen days before that time, a declaration was issued for continuing this assessment for six months longer. As this had particular relation to the army, it was judged fitting that the declaration should come from the council of officers[a].

The summons of the new representative originates from the council of officers.

In another affair of still higher importance the same rule prevailed: and the summons that was issued to the members of what was called Barbone's parliament, originated from Cromwel, with the advice of his council of officers[b]. And accordingly the subject is passed wholly without notice in the Order Book of the council of state.

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[z] Leicester's Journal, p. 142.

[a] Several Proceedings, No. 194. Leicester's Journal, p. 142.

[b] Whitlocke, June 8.

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1653. July 4. Cromwel's speech.

On the day prefixed Cromwel met the representatives of his own nomination[c] in the palace of Whitehall, and addressed them in a speech of three quarters of an hour in length, which is said by his biographer, to have been pronounced in so excellent a manner, as sufficiently manifested that the spirit of God was upon him[d]. He entered into an elaborate vindication of his own conduct, and that of the council of officers, in putting an end to the sitting of the late parliament. He descanted on the mature consideration and strict scrutiny, that had been exercised in the selection of the present assembly. He declared his persuasion, that there was not a man among them, in whom there existed not faith in Jesus Christ, and love to all his saints and his people.

He surrenders to the new representative the supreme authority.

They were brought together, he proceeded, for a most solemn and momentous purpose. It was incumbent on the officers of the army, to manifest their singleness of heart and integrity in that which they had felt themselves compelled to perform, that they did not grasp after the power, to keep it in military hands, no, not for a day. Their firm determination was, to divest the sword of all authority in civil affairs, and to place it in such hands as might be most competent to provide for the

[c] The members who met were about 120. Several Proceedings, No. 197.

[d] Carrington, Life of Cromwel, p. 151.

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weal and happiness of the nation. It was for this purpose that he appeared before them this day, to surrender the supreme authority of the country into their custody, and to profess, on the part of himself and his fellow-officers, to be their servants.

He inforces the principle of religious toleration.

The point which Cromwel principally pressed on their attention, was the question of toleration. He said, it had been a matter of anxiety with him and the leading men of the army, to know whether, if the act which was near to passing had become a law, the next parliament were not likely to consist of presbyterians? And, though it was their desire to entertain a due value and esteem for persons of that judgment, yet, as they had deserted the general cause and interest on the king's account, and had entered into hostile confederacy with the neighbour nation, they considered that as amounting to the same as surrendering the public at large to their mercy. It was one thing to live friendly and brotherly, to bear with and love a person of another judgment in religion, and another to sacrifice every thing to his discretion. He therefore desired the persons he was addressing, that they would be faithful with all the saints, and would bear with the infirmities of those of a different judgment. And he applied to this purpose a passage of Isaiah [e], where it is said, I will plant together the cedar and the shittah tree, and the

[e] Chap. xli, ver. 19, 20.

myrtle and the olive, and the fir and the pine and the box tree: that they may know and consider and understand that the hand of the Lord hath done it, and the Holy One of Israel hath created it, that the salvation and deliverance he hath given, hath been wrought for the good of the whole flock[f].

Instrument of Government.

His speech being ended, Cromwel delivered to them an instrument, engrossed on parchment, and bearing his hand and seal, by which, with the advice of his council of officers, he devolved and intrusted the supreme authority and government of the commonwealth into the hands of the persons there met, and declared that they were to be acknowledged for that authority, to whom all persons within this nation were to yield obedience and subjection, that they were to sit till the third of November 1654, and that, three months before that time, they were to make choice of other persons to succeed them, who were not to sit longer than twelve months, and were then to determine respecting the succession of the government[g].

[f] Letters and Papers of State, Collected by Milton, p. 106, *et seqq.* Parliamentary History, Vol. XX, p. 153, *et seqq.*

[g] Whitlocke. Leicester's Journal, p. 146. We are here presented with a second instance of the destruction of an historical document of no small importance. The Instrument of Government, of July 4, 1653, as well as the Act for Dissolving the Long Parliament (See above, p. 458), is no where to be found.

It may be considered as the artifice of Cromwel, that, when the authority of this assembly stood on so precarious a footing, he ostentatiously gave them an existence of sixteen months, adding twelve

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1653. Lustre and apparent disinterestedness of the conduct of Cromwel.

This was certainly a proud day for Cromwel. After having possessed the supreme government of England for more than six weeks, and having, with his council of officers, and council of state, exercised the legislative and executive authorities during that period, he now came into an assembly of one hundred and forty persons, including in their numbers some of the most eminent and respectable persons in the community, to resign into their hands the supreme government, and become, as he himself phrased it, their servant. No doubt, Harrison, and such other of the most strenuous republicans, as had abetted him in putting an end to the late parliament, exulted in this scene, as a demonstration of the pure patriotism and disinterested principles of their commander.—It is a singular circumstance that this new assembly consisted of about the same number of persons, as the parliament they succeeded. Cromwel talks in his speech, of the late parliament as usually mustering only fifty-two or fifty-three[h]. It might be so in their latter sittings, when it was sufficiently visible how the scene would end, and when those who met, met only that they might bear their testimony, however unsuccessfully, to the public cause. But

months more for their successors; that he might thus render their imbecility more apparent, and excite in his countrymen an anxious wish for a government more stable, and that should command a greater degree of respect at home and abroad.

[h] Parliamentary History, p. 165.

we know that in the preceding November the assembly amounted to one hundred and twenty-two[1].

1653. His hypocrisy.

It is not easy to conceive hypocrisy carried farther than this. Cromwel had already disclosed to certain individuals his desire to be a king. This disclosure however had gone a very little way; and he still felt it in his power to persuade a great majority of those with whom he lived in the most familiar intercourse, that his breast was purged of all alloy of ambition, and that he fully agreed with them in the aversion they entertained to powers vested in "a single person." He presented himself before this assembly, to resign the authority which accidentally for a short time had been lodged in his hands, to fall once more into the ranks, and to submit to the ordinary laws of an established community. He bowed to them as his masters, and professed himself their servant.

His secret purposes.

Yet his object, to many of the most competent judges of his own time, and in the eye of history, was and is sufficiently manifest. He aimed to be a king: he found a degree of determined and conscientious resistance to this project in many of his closest connections, more than he had anticipated. His purpose was therefore to convince them, that they could not do without him, and to induce them, if possible, whether with the title of king or any other, to invite him to become their

[1] See above, p. 431.

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chief magistrate. For this purpose he made a parade of what was seemingly the most entire and irrevocable resignation. He installed this representative assembly in the supreme authority for sixteen months: they were then to chuse their own successors for twelve months longer: and, at the expiration of that term, these successors were to dispose of the future government.

He still possesses the actual supremacy.

Physically speaking, it might be the first act of these representatives, to deprive him of the military command, and to disband the army. But Cromwel knew that he held a sufficient security against such a *dénouement*. The members of this assembly were of his own nomination. He had been obliged indeed to observe a certain neutrality; to appoint many individuals of a high and independent character, and some perhaps that watched all his motions with a jealous attention. Yet of necessity he had many friends in the assembly. Beside which, it was more easy for this new authority to consider of dismissing Cromwel and disbanding the army, than for them to do either the one or the other. However the military might profess submission to this civil authority of their own creation, it was not to be supposed that it could be without a mental reserve. Men with arms in their hands, men inured to discipline and victory, men who had taken on themselves to put an end to the last parliament, and who, though for the short space of six weeks, had exercised all

the powers of government in England, constituted a body not to be trifled with. Though professing submission, it would be somewhat dangerous to give them great provocation. They held with the representative body a divided power. If the representatives possessed the chief magistracy, the army was in some sort the viceroy over them[k].

Illustrious character of the late parliament.

Add to which, England could not possibly long be contented to be directed by such a power as this. For the last four years it had been governed by the parliament. The celebrated assembly indeed which had sat down in November 1640, and which had so nobly vindicated the rights of Englishmen and of mankind, had twice been weeded of its members: but these changes had been in some measure unavoidable; the first reduction of its numbers being caused by the desertion of those members who in the final separation had chosen to adhere to the party of the king; and the second by the presbyterian usurpation, the followers of that having determined to embrace the cause of Scotland and intolerance, at the expence of sacrificing many of the points for which they originally contended. Still the one hundred and fifty members which those walls contained, were the parliament, the precious remains of the most august assembly that ever sat under that name. They had all of them been elected by the people. Yet

[k] Tempest, by Dryden, Act. 2, Scene 1.

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more than this: they were the assembly that for four years had administered the affairs of the commonwealth with unexampled prosperity; all their undertakings had been crowned with victory, in Ireland, in Scotland, and against the armies of Scotland on English ground; no rebellion had ever risen up against them; they had memorably vindicated the honour of their flag against the insolence of the Dutch; and they had gradually taught nearly every court in Europe, who had begun with treating them with contempt, almost with contumely, that they must be attended to and respected. Their enemies acknowledged them for statesmen, eminently qualified by their endowments and the firmness of their temper to administer the affairs of a nation. Impartial men confessed their disinterestedness.—Englishmen could without dishonour suffer themselves to be subjected to such a body.

Inferiority of the new representative.

What comparison could for a moment be sustained between this assembly, and the so called representative body that Cromwel had brought together? *They* had been laughed at for the paucity of their numbers; and yet the present assembly seemed to have been formed in that respect on their model. They were called representatives, and named after the different counties, as if in mockery. Who did they represent? Cromwel and the council of officers only. There were among them individuals entitled to high consideration.

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But they in no sense represented any of the great interests or public orders of their country.—It was from this view, that Cromwel, with artful and profound policy, according to the plans he had conceived, gave to this inadequate establishment all the forms that belonged to a perpetual institution. After thirteen months sitting they were to name their successors; and these again were to decide upon the next representation for all future time[1].

[1] It may be in some degree interesting to put down the names of the newspapers, which were at this time published in the metropolis. They appear to have been twelve in number, and all of them weekly papers: on Monday, the Perfect Diurnal, and the Moderate Intelligencer; on Tuesday, Several Proceedings in Parliament, a publication of authority, the Weekly Intelligencer, and the Faithful Post; on Wednesday, Mercurius Democritus, and the Perfect Account; on Thursday, Several Proceedings in State Affairs, a publication of some authority, and Mercurius Politicus; and on Friday, the Moderate Publisher, the Faithful Post, by a different publisher from that of Tuesday, and the Faithful Scout. There was no newspaper on Saturday, probably because that would have been considered as too nearly trenching on the Lord's Day.

CHAPTER XXXI.

CHARACTER OF BARBONE'S PARLIAMENT.—COUNCIL OF STATE.—COMMITTEES OF PARLIAMENT.—FOURTH BATTLE OF THE ENGLISH AND DUTCH FLEETS.—FIFTH BATTLE.—DEATH OF VAN TROMP.

BOOK III.

1653.

COUNCIL OF STATE,

Installed July the Fourteenth.

Oliver Cromwel, Lord General.	Lord Viscount Lisle.
John Lambert, Major General.	Sir Anthony Ashley Cooper, Bart.
Thomas Harrison, Major General.	Sir Charles Wolseley, Bart.
John Desborough, Major General.	Sir James Hope.
Col. Anthony Stapeley.	Lieut. Gen. Charles Fleetwood.
Col. William Sydenham.	Col. John Hewson.
Col. Philip Jones.	Col. Henry Lawrence.
Col. Matthew Tomlinson.	Col. Richard Norton.
Col. Robert Bennet.	Edward Montagu.
Sir Gilbert Pickering, Bart.	Charles Howard.
Walter Strickland.	Ald. Titchborne.
John Carew.	Richard Major.
Samuel Moyer.	Hugh Courtency.
Richard Salway.	Thomas St. Nicholas.
Dennis Hollister.	
Andrew Broughton.	
John Williams.	

Character of Barbone's parliament.

WHITLOCKE has remarked, "It was much wondered at by some, that these gentlemen, many of

them being persons of fortune and knowledge, would, at this summons, and from these hands, take upon them the supreme authority of the nation."

Reasonableness of their proceeding examined.

But surely they reasoned rightly. The maxims of ordinary times are by no means suited to cases of singular emergence. The old forms of the constitution, so far as related to legislative and executive authority, were broken up; and it would have been a sort of political pedantry for these persons to have refused to serve their country, when the power of doing so seemed to be put into their hands. Men must not always nicely enquire whence the means of public good, whether money, or any other instrument of great utility, are derived to them; but rather how they may be made productive of general advantage. If, by my declining authority, the consequence will arise that it will be placed in better and more legitimate hands, I ought to decline it. We will not now enquire into the solidity of the considerations, which deterred the late parliament first, and afterwards Cromwel, from referring to the nation at large the choice of their representatives in the way of a general election. It is certain that, if the members of Barbone's parliament, demurring to the authority by which they had been called together, had refused to sit, this would not have led to the calling a full and free house of representatives. It was by no means to be desired that the whole authority of the govern-

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ment should remain with Cromwel and his council of officers. The persons now summoned, looking over the list of their colleagues, felt convinced that they were competent to the conferring great and lasting benefits on the nation. Providence, or the system of the universe, by whatever name we shall think fit to call it, yielded to them, as it seemed, the opportunity of doing much good. It was theirs to calm the perturbed spirits of the nation, and compose the jarring interests by which it was divided. Were they, because they were not elected by the people, and seeing that, if they withdrew themselves, no such election would take place, to throw away the opportunity which was thus given them?

They enter on business.

The supreme authority being thus constituted, and Cromwel and his officers having withdrawn, the only determinations of the assembly on that day, were, to adjourn, and to fix their place of meeting for the following day at the house where the parliament had been previously held. Accordingly, on the fifth of July, they called Francis Rous, provost of Eton, to the chair of the assembly, appointed Scobel to be their clerk, and, by a deputation consisting of sir Anthony Ashley Cooper and such members as were already of the council of state, invited Cromwel, the three major-generals, and colonel Tomlinson, to assist as members of the house, thus making their entire number one hundred and forty-four. On the following

day they resolved that all addresses should be made to them under the name of the parliament[a].

1653.

On the twelfth they agreed upon a declaration, inviting the people of England to pray to God for his blessing on their counsels and proceedings. In this paper they abstain from all accusation or reflection on the late parliament, and no otherwise refer to the summons by which they had been brought together, than simply by saying, that, being in an extraordinary manner called together, and required to assume the supreme government, they had judged it meet and requisite to take upon themselves the charge assigned. They further remark, that, though they were tender of pressing covenants and engagements on the people, yet they expected and believed that all peaceable and good citizens would conduct themselves suitably to the protection they looked for from the present authority. They were ample in expressing their purpose to proceed in all things as might best conduce to the good of all, and declaring the watchfulness and tenderness they would exercise as to the life, liberty, and estate of every member of the commonwealth[b].

They publish a declaration.

Their next considerable measure was to appoint a council of state to exercise the executive autho-

Elect a council of state.

[a] Journals.

[b] Journals. Parliamentary History, Vol. XX, p. 184, *et seqq.*

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rity. They determined that the number of the council should be thirty-one. On the eighth they nominated the members of the late council with the addition of Salway to be members of the new council[c]; and, six days afterwards, they filled up the number with the names of Fleetwood, Montagu, Howard, lord viscount Lisle, sir Anthony Ashley Cooper, and others[d]: all of them, except Fleetwood, members of the present parliament.

Power which remained in the hands of Cromwel.

Thus Cromwel, after the lapse of a few days, became once again an integral member of the government, both legislative and executive. Add to which, thirteen of the thirty-one counsellors were those expressly of his own nomination. It may further easily be supposed, as the list of the whole parliament was formed by him, that, whatever rigour and conscientious strictness he might profess to employ in the selection, his influence over such a body must necessarily be extensive.

Temper of the assembly.

The assembly proceeded early and diligently in the consideration of such questions as seemed most intimately connected with the public welfare. The principles with which they were animated, were strikingly similar to those of the last parliament; but they had not the motives for procrastination which prevailed in that assembly. Their duration was limited, by the instrument of govern-

[c] Journals.

[d] Journals. See above, p. 538.

ment, to whose provisions they had tacitly consented, to a period of sixteen months.

1653. They divide themselves into committees.

They voted in one of their earliest sittings, that the business of tithes should without delay be taken into consideration[e]; and, presently after, came to a similar resolution respecting the law and its grievances[f]. On the twentieth of July eleven important questions were resolved to be referred to as many committees. Two of these committees, for the affairs of Ireland and Scotland, had been named on the ninth: but they were now organised afresh, with some trifling alterations, and the names of Cromwel and Lambert inserted in the first, which had before stood only in the second. The other committees were for the law, the army, the revenue, petitions, trade and corporations, the poor and commissions of the peace, public debts and frauds, prisons, and the advancement of learning: the names of Cromwel and Lambert were in none of these. Sir Anthony Ashley Cooper was the first person named on the committee of the law. He was also on the committee for the advancement of learning. Barbone was only of the committee for petitions. A committee on the subject of tithes had been named on the day preceding. The committees varied in the number of their members, from twelve to nineteen[g].

Though the government of England had been

Monk set at the head of the fleet.

[e] Journals, July 9, 13. [f] Ibid, July 12. [g] Journals.

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in this convulsed and uncertain state, we yet suffered no intermission in the prosecution of the Dutch war. The chief alteration that took place was in the command of the fleet, resulting from the ascendancy of Cromwel. Blake was too good a republican to be entirely acceptable to the general. We are told, that, when he heard of the dispersion of the parliament, the remark he made to his comrades was, It is not the business of seamen to mind state-affairs, but to keep foreigners from fooling us[h]. But this was not enough for him who was now at the helm. The man whom Cromwel selected as better adapted to his purposes was Monk[i], and he fully justified the choice.

Sixth battle, Monk and Van Tromp. June 2.

The Dutch on the other hand, encouraged by the unsettled state of affairs in England, resolved to make a strenuous effort. Tromp, after having safely convoyed the outward-bound trade of his country, returned with a fleet of one hundred sail to seek the English on their own coasts. Monk, assisted by Dean, proceeded with about equal numbers to meet him; and a battle ensued on the second of June[k]. The superiority however was wholly with the English. The battle lasted two days; and on the night of the first Blake arrived with eighteen fresh ships to reinforce his coun-

[h] Lives, English and Foreign, Vol. II, p. 109. Kennet, Complete History of England.

[i] Clarendon, Vol. III, p. 487.

[k] Le Clerc, Tom. II, p. 333. Heath, p. 344. Echard.

trymen[m]. Dean was killed by a chain-shot in the beginning of the action; and in the course of it eleven Dutch ships were captured, six sunk, and two blown up with gunpowder; and thirteen hundred and fifty men were made prisoners, with comparatively little loss on the part of the English[n].

1653. Death of admiral Dean.

The Dutch were so far humbled by the result of this action, as to be induced to send four ambassadors with overtures of peace, who arrived at the time that the government was entirely in Cromwel, and his council of officers, or council of state. They had their audience of the council of state on the twenty-second of June[o]. But the precariousness and narrow foundation of the government in no degree lowered the tone of Cromwel or his assistants. He in the first place gave an absolute refusal to the proposition of a cessation of hostilities during the pendency of a negociation. In the next place the envoys speedily found that they had no chance of peace, but upon such terms as should be dictated to them by the English cabinet. Under these circumstances, though the ambassadors still remained, the Dutch government resolved once more to try the fortune of war[p].

Ambassadors arrive from Holland.

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[m] Heath, p. 345. Echard. Thurloe, Vol. I, p. 278.

[n] Gumble, Life of Monk, p. 60. Clarendon, *ubi supra*.

[o] Order Book.

[p] Clarendon, *ubi supra*. Thurloe, Vol. I, p. 301, 302, 308, 309, 315, 316.

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1653. Dutch prepare for a new contest.

They therefore employed themselves diligently in preparations for the combat. Tromp grievously complained of the insubordination of his officers, and desired to withdraw from the command. The admiral De Wit addressed both the states general and the states of Holland in these terms: I am here before my sovereigns: of what use is it to dissemble? the English are our masters at sea; and things must so remain, till we have ships built on a different scale[q]. The civil government paid every attention to the admirals: they gave them full power to place and displace the captains of ships at their pleasure[r]: they sent deputies to visit the different crews, to exhort and intreat them to exert themselves for their country, and to promise them extraordinary advantages and rewards[s]. Towards the end of July Tromp sailed from the harbours of Zealand with eighty or ninety ships, while De Wit had twenty-five more in readiness in the Texel[t].

Orders issued by Monk.

The command of the English fleet of about one hundred vessels was intrusted to Monk[u]. It seemed to be the determination on both sides that the ensuing battle should be a decisive one. Monk, a man of taciturn habits, of inflexible re-

[q] Ibid, p. 314. Le Clerc, Vol. II. p. 333, 334.
[r] Thurloe, p. 325.
[s] Ibid, p. 375, 398. Le Clerc, p. 334.
[t] Thurloe, p. 382. Le Clerc, *ubi supra*.
[u] Gumble, p. 61.

solution, and whom no peril could daunt, laid down a new rule to those who commanded under him, which was obeyed in the same spirit in which it was given. He said, he had found by experience, that the taking the ships of the enemy consumed much precious time, while the sending the ships so taken into a place of security, necessitated the detaching vessels from the fleet to conduct them, and so weakened his force. He therefore gave positive orders, that no English ship should surrender to the enemy, and that they should accept no surrender of the vessels against which they fought. Their business was not to take ships, but to sink and destroy to the extent of their power[w].

Seventh battle. July 29.

The battle began in the evening of the twenty-ninth of July near the coast of Holland. This day's engagement was attended with no decisive event[x]. The day following was so squally, as to prevent the possibility of their coming into battle; but the thirty-first, Sunday, had a different issue. De Wit had already joined the principal fleet[y]. Four of the largest of the English vessels were in the utmost danger from the Dutch fire-ships; and Tromp was killed by a musquet-shot early in the engagement[z]. The merchant-men, which were placed by Monk in the battle, were rendered more

Death of Van Tromp.

[w] Ibid, p. 62. [x] Several Proceedings of Parliament, No. 3.

[y] Several Proceedings, *ubi supra*. Le Clerc, p. 335.

[z] Heath, p. 347.

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efficient, by an expedient of his in transposing the captains, he having found on the former occasion that they committed themselves cautiously, out of tenderness to the freight which belonged to their owners[a]. Six English captains, and five hundred sailors were killed in the fight, and six captains and eight hundred sailors wounded. But the issue to the Dutch was terrible. We lost two ships: they had nearly thirty burned or sunk, and among them vice-admiral Evertson[b]. Agreeably to Monk's orders, there was no ship taken; but twelve hundred men were made prisoners, either escaping from the wrecks in their boats, or picked up as they were swimming in the sea[c].

[a] Ibid, p. 348.

[b] Several Proceedings. Heath, *ubi supra*.

[c] Ibid.

CHAPTER XXXII.

JOHN LILBURNE.—HE OFFERS HIS SERVICES TO THE ROYALISTS.—HIS OVERTURES TO CROMWEL.—HE COMES TO ENGLAND.—IS SENT TO NEWGATE.—HIS TRIAL.—HE IS ACQUITTED.—HIS DEATH.

1653.

In a short time after the dissolution of the late parliament, John Lilburne once more shewed himself on the scene. He had received from that assembly the severe judgment of banishment for life[a]. This occurred in January 1652. At its unexpected dissolution he looked forward with a natural feeling to his restoration to his country. But he had conducted himself in the mean time in a way not in accordance with that object.

Situation of Lilburne.

We have seen on various occasions instances of the ferocity of his character. Enraged at the eternal separation from his native island that was thus awarded against him, we are not to wonder that he engaged himself in vows of immitigable vengeance. Lilburne was a man that belonged to no party. He had quarrelled first with the bi-

Instability of his connections in society.

[a] See above, p. 337.

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shops, and then with the presbyterians. He had loaded all the public men of the present day with his abuse, Cromwel, Bradshaw, Vane and Ireton. As he stood entirely by himself, a position in which no man, in difficult times, and in public life, can long maintain himself, it is not surprising that he at one time made alliance with one set of men, and at another with another, as necessity prompted, or his inclinations led him.

His fears of assassination.

When Lilburne quitted England, he sailed for Holland. Here he found himself surrounded with the exiled royalists, and was haunted with the perpetual fear of assassination. He had been as loud as any man in exclamations on the criminality of Charles the First, and had even recommended that he should be tried and receive sentence from twelve men in an ordinary jury [b]. Now he began to reflect upon the position in which he was placed. Dorislaus and Ascham had been assassinated, one at the Hague, the other at Madrid. But Dorislaus and Ascham had been protected by the government of their country, and had been sent out with public powers and honours. It would be peculiarly hard, if Lilburne, now that he had been cast out by that government as an abominable thing, and exiled from their territories, should yet become their martyr. This consideration, combined with his desire of vengeance, led him to

He joins the royalists.

[b] See above, p. 49.

unite himself with the royalists. He chose rather to be their assistant than their victim; and he saw in their triumph, aided by his exertions, the most obvious means of his own restoration. He entered into familiar intercourse, by his own statement, with the duke of Buckingham, sir John Colepper, sir Ralph Hopton (distinguished followers of Charles the First, and who had been created peers by him in 1644), bishop Bramhal, and other eminent royalists[c].

Proposals that he makes to them.

To these persons he made the proposition, that, if he were furnished with ten thousand pounds, he would undertake to destroy Cromwel, the parliament, and the then council of state, in six months. Being asked how he could do this, he replied, by papers that he would print in Amsterdam, and send over and get dispersed by his agents in England. He affirmed, that he had a numerous party in his native country, and that the majority of the army would easily be brought over to his views. These conversations took place in the autumn of 1652. His proposals were not accepted[d].

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[c] Defensive Declaration of Lilburne, p. 16.

[d] Several Informations and Examinations taken concerning Lilburne.—It is right to observe that Lilburne strenuously denied the truth of these statements; while on the other hand the informations, perfectly agreeing as to the facts, are sworn to by four persons, Isaac Berkenhead, captain John Titus, captain John Bartlet, and Richard Foot. They are also in perfect conformity with the character and habits of Lilburne. Exasperated as he was, and execrating Cromwel and the parliament and the council of state, we can scarcely conceive of his doing less. He was never a man to

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1653. He addresses a letter to Cromwel.

Lilburne no sooner heard of the dissolution of the parliament, the news of which was brought to him by his wife, May the third, than he wrote

govern and control his passions. And the confidence expressed in his own power, and his sanguine expectations of the result, are exactly what we should expect from him.—On the other hand we must not forget that the attesters of these charges were spies and renegadoes.

As to Lilburne's asseverations of innocence, these must be received with considerable allowance. The man who engages in plots and propositions of this sort, has motives for denying them afterwards that can scarcely be resisted. He received no encouragement from the exiles; and the forcible dissolution of the parliament and council of state, gave him a prospect of restoration that he never could have counted on. When we recollect his explanation of the sense in which he took the engagement to be true and faithful to the commonwealth as now established, without king or house of lords (see above, p. 334), that by the commonwealth he understood the constitution of England, which had stood the test of ages, and by abjuring a king to declare his unaltered abhorrence of an absolute and arbitrary king, we must admit that he was not, at least in this latter part of his life, a man of very delicate veracity.

Guided by this recollection, we trace a kind of mental reservation in the denials made by him on the present occasion. He "solemnly declares he never engaged to promote the regal interest of Charles Stuart against the *present* declared commonwealth (Defensive Declaration, p. 19)." But the *present* commonwealth may be said to have been declared, April 22, 1653. In his tract in answer to the Informations, entitled Malice Detected, he indeed goes farther, and protests, "Never such words passed from my mouth, nor such thoughts entered my heart; the Lord, the Almighty God, is my witness." In a preceding tract, dated July 1, and called The Prisoner's Most Mournful Cry, he says, "I had rather be boiled alive in hot lead, than have the least finger in bringing Charles Stuart to England, *to embroil the nation in blood*, and destroy the general and *all* his officers and soldiers.

a conciliatory and respectful letter to Cromwel, the purport of which was to obtain permission that he might return to England, there to dispute the validity of the act by which he had been sent into banishment. He knew that he had been represented as having conspired with the royalists for the restoration of Charles Stuart; but he endeavoured to make that accusation appear the mere fabrication and malice of sir Arthur Haselrig and Thomas Scot, whom Lilburne styles secretary of state, both of whom were out of favour with the present rulers for the inflexibleness of their republican principles. He knew that he had loaded Cromwel with every kind of scurrility and abuse; but he trusted to the placableness of Cromwel's disposition and the respectfulness of his present address[e].

It is unfavourably received.

He was however wholly deceived in the expectations he had formed. Cromwel entertained the utmost disgust to the entire character and conduct of Lilburne. His conduct respecting the mines in the county of Durham, in which he had prosecuted a false and fabricated tale with the same earnestness and virulence which he had before employed in questions seemingly important to public liberty and justice, had alienated from him nearly all persons of sobriety and reflection. Add to which, the council of state had received precise

[e] This letter forms the first part of the Defensive Declaration.

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informations relative to his alleged offers to the exiled royalists, and had even letters, apparently in his own handwriting, confirming these offers[f].

He returns to England.

Lilburne waited patiently from the beginning of May to the middle of June, hoping to receive from Cromwel a pass to allow him to return. Disappointed in this, he at length came over at a venture, in defiance of consequences. He proceeded immediately to London, and on his arrival wrote a letter to Cromwel, intreating his favour and indulgence. The next day he was apprehended, and shortly after committed to Newgate[g]. The duke of Buckingham is said to have accompanied him as far as Calais[h]; and the council of state were fully convinced that he came with the most desperate intentions.

And is committed to Newgate.

It is resolved to send him to trial.

It was soon determined to send him to trial upon the act that had passed for his banishment, which expressed that he was not to return on pain of death. Cromwel conceived that he had here gained a favourable opportunity for bringing his favourite scheme of restoring trial by jury in political cases to the test. There was a plain act of parliament condemning the alleged criminal; and all that seemed to be required for his conviction was evidence of his identity.

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[f] Defensive Declaration, p. 18.

[g] Weekly Intelligence, No. 124.

[h] Several Informations, p. 13. See Thurloe, Vol. I, p. 306.

CHAP. XXXII.

1653.

Meanwhile Lilburne, seeing that he had no longer any hope in the clemency of the government, set himself, with that undaunted and invincible courage which so remarkably characterised him, to prepare his defence; and Cromwel and his associates presently found that they had another sort of task to perform, in ridding themselves of this adversary, than they had anticipated. His trial did not come on at the bar of the Old Bailey till the thirteenth of July, and was continued with various interruptions to the twentieth of the following month. The judge who presided was chief baron Wild, assisted on the bench by the lord commissioner Keble, judge Warburton, the recorder Steele, and, which may seem extraordinary, attorney-general Prideaux.

Firmness of his behaviour.

The act on which Lilburne was tried was of an extraordinary and unprecedented nature; and here he took his stand for his defence. It was a statute, condemning a certain individual by name to banishment, and in case of his return to suffer death. The law-officers of the government pressed the accused to plead to the statute; but, if they expected him to do so readily, they were deceived in their calculations. He conjured up every sort of difficulty, and, himself alone, fought every inch of ground with them, remembering at each moment to charge his judges with unfair dealing and the most unheard of tyranny. He demanded to have counsel assigned him, and fixed upon eight

Peculiarity of his situation.

BOOK III. 1653.

pleaders, including in their number Glyn, Maynard and Hale. This point was conceded to him. On the fourth day of the trial, July the sixteenth, he tendered a bill of exceptions.

Bill of exceptions.

"His exceptions were, first, that it did not appear on the face of the act, that it was an act of the parliament of the commonwealth of England, or the parliament sitting at Westminster, and might as well be an act of a parliament in Naples, or any other country. Secondly, it did not appear, that there was any judgment given, upon which the sentence was founded. Before a judgment, there must be indictment, presentment, or information; the party accused must appear, or must be outlawed for not appearing; he must either confess or plead: all of which circumstances were wanting, the least of them being enough to annihilate the proceeding. Thirdly, the act spoke of his not being allowed to remain in England, Scotland or Ireland after twenty days, but the vote of the house upon which the act was bottomed specified thirty days. Fourthly, the indictment now preferred against him, was against John Lilburne, gentleman, while the act of banishment was against lieutenant-colonel Lilburne; no proof being rendered that he was the person named in the act. He denied that he had been a lieutenant-colonel at the time of passing the act. There were several persons in England, whose names and designation were John Lilburne, gentleman; and they might

as well hang any one of these, as hang him, under this act.

1653.

He tendered his bill of exceptions on the morning of the sixteenth, signed with his own hand: but the court refused to receive it, unless signed by his counsel, and gave him till the evening to repair that defect. Most of the counsel that had been assigned him were out of town; but he at length met with Maynard, who was just setting out, and Norbury, who had been a Welsh judge, but dismissed by Cromwel[i]. These readily signed his paper.

It is signed by counsel.

Maynard however, who had always been considered as of the presbyterian party, who had great reputation as an acute lawyer, and who panted to increase that reputation, sent him word, that he had missed the grand bulwark for saving his life, which was to demand his *oyer*, or a specification under the great seal, of the statute on which he was tried, the judgment of banishment which had been given against him, and a declaration of the crime or crimes on which that judgment was founded.

Advice given him by Maynard.

Here the court was completely at a stand. They granted him a specification of the act, but would go no further. There was in reality no individual record of the judgment, or of the accusation which had led to that judgment. They however threatened that, if he did not plead, they would pro-

Behaviour of the court that tried him.

[i] See above, p. 527.

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ceed against him as contumacious. And, at length, on the twentieth of August, he consented to plead, and a jury was impannelled to try him.

His defence.

On this day he made a most impressive speech; and, among other topics, conjured the jury to attend to the iniquity of the whole proceeding. They were called there to pronounce upon his life; and, if they condemned him, he would be sent to the gallows. For what were they to condemn him? In England, and indeed in all civilized countries, no man suffers the last penalty of justice but for some crime. He appealed to his own heart that he had committed no crime. His whole life had been spent in the service of his country, and the assertion of her liberties. But, if he had committed a crime, the jury knew nothing of it. All that was offered them as a ground for his conviction, was a bare act of parliament, ordering lieutenant-colonel Lilburne into banishment, and, if he returned, to suffer death as a felon. He adjured them as they had any regard to justice, or the peace of their consciences, not to adjudge a man to death, not for any thing that he had done, or that was proved against him, but because certain words had by other men been ordered to be written on paper or parchment.

He is acquitted.

The record of the latter part of Lilburne's trial is exceedingly imperfect[k]. But we may take it

[k] The account of the trial published by Lilburne himself, and copied into the State Trials, comes down no further than July 16.

for granted that the judge told the jury, that they had nothing to do but with the act of parliament. They were bound by their oaths to decide according to law: and, unless they had any doubt of the true interpretation of the act, or that the person before them was the person described in it, they must bring a verdict of guilty. The jury acquitted the prisoner. The populace appear to have felt a deep interest in his trial[l]. Though acquitted, he was still kept in prison, and plots with the royalists were imputed to him[m]. There was a talk of trying him for treason with other conspirators before a high court of justice[n]; but he was at length sent a prisoner by Cromwel to Elizabeth Castle in the Isle of Jersey. Here he deported himself with the greatest contumacy[o]. He was finally, as we are told, being far gone in a consumption, liberated from confinement, and only turned out to die[p], which event occurred in August 1657[q], at the age of thirty-nine.

Is imprisoned in Jersey.

His death.

These measures may be considered for the most part as the act of Cromwel. He had at least a majority in the council of state. The thirteen original members were of his own nomination. And,

His treatment attributable to Cromwel.

[l] Thurloe, Vol. I, p. 429, 430, 435, 441, 442.

[m] Ibid, p. 441, 442, 451, 453.

[n] Ibid, p. 435, 442.

[o] Ibid, Vol. III, p. 512, 629.

[p] World's Mistake in O. Cromwel, p. 13.

[q] Athenæ Oxonienses.

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of the eighteen added, we find seven of the names in the list of his first council as lord protector in the end of the year, a convincing proof how completely, by his powers of persuasion, or the arts of his policy, he had brought them over to his schemes. In the parliament the debates respecting the treatment of Lilburne had run high, and been attended with repeated divisions[r]. The question occupied much time, and was attended with sharp debates, some earnestly moving to have his trial suspended, and the act of his banishment called in question[s]. But the party of Cromwel prevailed. His imprisonment, subsequent to the acquittal, was confirmed by two votes, on the twenty-seventh of August, and again on the twenty-sixth of November[t].

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[r] Thurloe, Vol. I. p. 387. These divisions do not appear on the Journals.

[s] Exact Relation of the Proceedings of the Parliament, which began July 4, 1653, p. 5.

[t] Journals.

CHAPTER XXXIII.

CONSPIRACIES IN ENGLAND.—COMMOTIONS IN SCOTLAND.—POSITION OF CROMWEL.—PROCEEDINGS OF THE LITTLE PARLIAMENT RESPECTING FINANCES, EXPENCES OF THE LAW, DEBTORS, AND MARRIAGE.—VOTE FOR ABOLISHING THE COURT OF CHANCERY.—PROJECT FOR REDUCING A CODE OF LAWS.—VOTE FOR ABOLISHING PRESENTATIONS AND ADVOWSONS.—VOTE AGAINST TITHES.

1653. The resources of the government impaired.

It is somewhat remarkable, that, during the continuance of the Long Parliament from the death of the king, there had been wars with the royalists of Ireland and Scotland, and insurrections of that party when England was invaded by the enemy, but no intestine commotions. From that time forward, whatever names and appearances were given to the government, it was clearly the feeling of the bulk of the nation, that the power was in one man, Oliver Cromwel. The remarks of Whitlocke, delivered to the general himself, are strikingly apposite to this situation. "Now, if your excellency should take upon you the title of king, the state of our cause will be wholly determined; and

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the question, which was before national, will become particular, and be merely who shall be our governor, a Cromwel, or a Stuart. The controversy being thus changed, all those who were for a commonwealth (and they are a very great and considerable party) will desert you, your hands will be weakened, your interests undermined, and your cause in apparent danger to be ruined[a]."

New state of the question.

In reality the accession of Cromwel to the office of first magistrate, is the turning point upon which the future political state of this country rested. There was "a very great and considerable party" entirely devoted to republican principles. What would have been their success, if they had been left to their own energies, it is in vain for us to attempt to decide. They had talents; they had virtues: two requisites, which, when combined, do much to insure success in human affairs.

Cromwel destroys the republican party.

Cromwel broke this party in pieces. He deluded them; he divided them; he drove the firmest and most enlightened among them by main force from the helm of the state. The two qualities by which he was most distinguished, his powers of persuasion and plausibility, and the audaciousness of his nature, destroyed his country, so far as the happiness of England depended on its becoming a republic.

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[a] Whitlocke, Nov. 7, 1652. See above, p. 425.

1653.

Here, as Whitlocke says, "the state of the controversy was wholly determined." The question was no longer any thing more than whether a Cromwel or a Stuart should be our first magistrate. And few there would certainly be, that would fight for the preference of the former over the latter.

The controversy is of two rivals pretending to the chief magistracy.

The friends of the Stuart succession were always numerous in this country. It was with the original royalists their creed, the very sacred thing they swore by. The presbyterians had never been republicans; they had conceived a just jealousy and alienation towards Charles the First; but against his son, now in the flower of his age, leaving out of the question their resentment and aversion to the party that had stripped them of their laurels, they had scarcely a prejudice. The third party, as has been said, had nothing left to fight for.

Numerousness of the adherents to the Stuarts.

With a new race of kings we must look for never-ending broils and contentions in favour of the old possessors. Under the Stuarts, if the restoration were skilfully conducted, and the proper conditions firmly prescribed and secured, the prospect would be infinitely more serene.

Their essential advantages.

The question being thus reduced to a simple alternative, we are put in possession of the true clue to all the scurrility and abuse, which was so unsparingly and incessantly cast upon Cromwel. There was a deep policy in this. The genuine interest of those who favoured the Stuart restoration, was to bring the new sovereign into contempt.

Scurrility against Cromwel accounted for.

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1653. His rise from the middle class of society.

This could not thoroughly be done; for he had an intrinsical greatness. But the greatest man is also little; and he whom we remember for our fellow, we can hardly be persuaded to look up to as a being of a different nature from ourselves. The English people recollected Cromwel, as a person of an ordinary class, and possessing small means of fortune. They said, as was once observed of a person advancing higher pretensions, "His mother, and his sisters, and his kinsfolk, are they not all with us? From whence then hath this man these things[b]."

Source of the feelings of reverence.

Distance and mystery contribute much to reverence. It was thus that Pythagoras emigrated to Græcia Magna, and appeared only by night and in white garments, and that Numa had his Egeria. That which we are to contemplate with deference, must not be viewed too nearly, and looked at in its littlenesses.

Shortness of the reign of Cromwel.

Lastly, the shortness of the reign of Cromwel was a material circumstance. If he had reigned twenty years in uninterrupted prosperity, and had died full of years and of honours, that would have done much for his posterity. The people of England would have been accustomed to look up to him as their sovereign. Those who were in the most active state of existence at the period of his death would have known him for the first man in

[b] Matthew, xiii, 55, 56.

the community, almost from their earliest recollections. But a reign of five years, under a title that carried with it the savour of royalty, was too short. His issue immediately descended to the level plain of their contemporaries. 1653.

Conspiracies in England.

The royalists early felt this state of the question, and their hopes revived. From this time forward, even to the era of the Restoration, the country was more or less infested with conspiracies and shaken with commotions. The state of the controversy being altered, the adherents of Charles became full of sanguine anticipations. They could not believe but, the question being merely of a chief magistrate, or the government of a single person, that the good sense and the prepossessions equally of the people of England would ultimately incline to the race of their ancient monarchs, under whose sway they might look for more stability, than under a usurper, or the descendants of a usurper.

Conspirators apprehended.

It was probably this view of things that brought Lilburne to England. Certain it is, there was talk of secret correspondence and designs; and two or three persons of some consideration were sent to the Tower[c]. Shortly after, we have an account of ten or twelve colonels being apprehended, who had come over from foreign parts, with design to raise men in several places for the king's service[d].

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[c] Thurloe, Vol. I, p. 441, 442, 451.

[d] Ibid, p. 453.

BOOK III.

1653. Colonel Robert Lilburne commands in Scotland.

About the same time some considerable distempers occurred in Scotland. Monk had reduced the country into complete subjection; and he, being recalled on account of his health, was succeeded by general Dean[e], a man probably of no less ability than himself. Under both the one and the other Scotland was tranquil. But, Monk and Dean being each of them commanded to serve in the fleet against the Dutch for the campaign of 1653, the next person that was placed at the head of the army in Scotland, was colonel Robert Lilburne[f], elder brother of the demagogue; a man of approved fidelity, but who was by no means equal to the demands of the situation.

Commotions in that country.

One of the many evils that arose out of the political convulsions and changes of the present period, was that Scotland was left for too long a time in a condition, unfavourable to her own welfare, and to the general security of the empire. The bill for an incorporating union between England and Scotland was brought into parliament early in 1652[g]; but that, and the act of grace and oblivion which was destined to accompany it, were not finally passed into laws till two years after. Of consequence those persons who had been dipped deep in the delinquencies of the war of Dunbar and Worcester, remained in a precarious and un-

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[e] Skinner, Life of Monk, Chap. V, §. 8. Journals.
[f] Ibid. [g] See above, p. 320.

certain condition during that interval. Viscount Kenmure had escaped out of the Tower, and was now in Scotland[h]. Middleton, placed in the same situation, had fled to the continent[i]. The earls of Glencairn, Balcarras, Athol and Seaforth, who had remained at home, felt extremely impatient at the unexpected delay. They were in a manner outlaws; and, if they were refused a certain forbearance from the present government, they felt strongly impelled to do something, which, if it were unsuccessful, might be deserving of punishment. Encouraged by the removal, one after the other, of the two ablest of the English commanders, these noblemen withdrew to the highlands, and took advantage of the fastnesses of the country to carry on an offensive war[k]. Lilburne, alarmed at their inroads, is said to have represented the matter to the government in London as worse than it was, and scarcely to have dared to look out of his quarters to suppress them[l]. Meanwhile, Glencairn received from the king a commission to command the royalists of Scotland. His forces continually increased; and he is said by the end of the year to have been at the head of ten thousand men[m]. There were however great dissentions

The malcontents differ among themselves.

[h] Baillie, Vol. II, p. 377. [i] See above, p. 275.

[k] Baillie, Vol. II, p. 377, 378. Whitlocke, June 17, July 29, Aug. 2, 6, 12.

[l] Skinner, Life of Monk, Chap. V, §. 8. [m] Baillie, p. 378.

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among the leaders. Glencairn threatened to put lord Lorn who had joined them, under arrest; and Balcarras withdrew to the continent[n].

Act for a high court of justice.

In relation to the conspiracies which were at that time in agitation, the council of state having reported that there were many designs on foot on the behalf of Charles Stuart, and that very many considerable persons were concerned in them, a bill was by the parliament ordered to be brought in for the establishment of a high court of justice, on the tenth of August[o]. The emergency probably however appearing to be less pressing, the affair lingered, till at length, on the twenty-third of November, a bill was brought in, went through the regular forms, and was passed, in one sitting. The number of the commissioners was thirty-three, and the names of Bradshaw, Lisle, Okey, Whalley, Goffe, and the aldermen Allen and Andrews, appear in the list. The act was to be in force till the first of August following[p].

Act of union considered.

The parliament also applied itself with diligence to the bill of union with Scotland, and made several important and useful regulations relative to

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[n] Ibid. Burnet, Own Time, Book I. [o] Journals.

[p] Ibid. It does not, I apprehend, follow, because Bradshaw's name is in the list, that he consented to sit in such a court under the present government. Heath (p. 353) says, Lisle was made president, Bradshaw, as a great commonwealthsman, and enemy to a single person, being laid aside.

that country [q]. But its sittings were finally terminated without bringing the bill of union to a close.

Position of Cromwel.

About this time Whitlocke had announced to him his appointment of ambassador extraordinary to Christina, queen of Sweden. In the interval Cromwel seemed almost a private individual, his only charges being those of general of the army, and one of the members of the council of state. It is important therefore to remark the light in which he was now considered. Whitlocke had no inclination to the service that was cast upon him, but knew not how to be excused. He has recorded several conversations between himself and his lady on the subject. They considered the voyage and the climate as matters of no small danger; but they doubted whether there might not be more danger in declining them. The general, they said, did what he pleased, both with the army, and the present powers [r]. She was not able to give her consent, yet dared not absolutely deny it, for fear of inconvenience that might befal him or his family by his refusal [s]. And, in a conversation he relates with one of his tenants on the subject, Whitlocke observed, "It is true the general would have me go; but I am not bound to obey him in all things. I am not under his command; what can he do to

Whitlocke's statement on the subject.

[q] Ibid, Aug. 10, Sept. 9, 21, Oct. 4, 24, 31, Nov. 23.

[r] Journal of the Swedish Ambassy, Sept. 5. [s] Ibid, Sept. 12.

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me?" To which the wary rustic rejoined, "What can he not do? Do not we all see that he does what he lists? I would not have you to anger him, lest you bring danger and trouble upon your family and estate; that is the truth of it[t]."

Proceedings of the Little Parliament.

The labours of the parliament which had been nominated by Cromwel, were great and meritorious. They passed an act for reducing the several receipts of the revenue into one treasury[u], for taking away fines on bills, declarations and original writs[w], and for redress of delays and mischiefs arising by writs of error[x]. They also made a law, the professed object of which was the relief of creditors and poor prisoners for debt[y], that by its immediate operation produced the discharge of three hundred distressed individuals, who were in confinement in different prisons in and near London, beside its effects in other parts of England[z].

Marriage Act.

They passed an act respecting marriages, that they should in all cases be preceded by publication of banns in church, or in the market-place on market-day, and, a certificate being granted of such publication, together with the exception made,

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[t] Ibid, Sept. 10.

[u] Journals, July 28.

[w] Ibid, Aug. 2. Scobel.

[x] Ibid, Nov. 4. Scobel.

[y] Journals, Oct. 5. Scobel.

[z] Exact Relation of the Proceedings of the Parliament which began July 4, 1653, p. 8.

if any, the ceremony was to take place before some justice of peace within the county[a]. This act, with many others, was confirmed by the parliament of 1656[b].

Vote for abolishing the court of chancery.

But the parliament on the present occasion took still wider views, and aimed at more important reforms. They came to a vote on the fifth of August that the court of chancery should be wholly taken away and abolished[c]. In the course of the debate on the question, this court was affirmed by some members to be the greatest grievance of the nation, that for dilatoriness, chargeableness, and a faculty of bleeding the people in the purse-vein, even to their utter perishing and undoing, it might compare with, if not surpass, any court in the world. It was confidently asserted by persons of great weight, that there were depending in that court twenty-three thousand causes, some of which had been going on five, ten, twenty and thirty years, that no ship (that is, cause) almost sailed in the sea of the law, but first or last it put into that port, and that what was ordered in it one day was contradicted the next, so that in some causes there had been five hundred orders or more: the chancery was therefore no better than a mystery of wickedness and a standing cheat. In short, so many horrible things were affirmed of it, that those who had a mind to be its advocates,

Abuses of that court.

[a] Journals, Aug. 24. Scobel. [b] Scobel, p. 394. [c] Journals.

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had little to say in its behalf, and at the end of one day's debate, the question being put, it was voted down[d].

Different bills brought in to abolish it.

The next business of the parliament was, the turning this vote into a law. It was therefore referred to the committee of the law to bring in a bill for the purpose. This was speedily done; but the bill was rejected, as containing no provision for the period after the court of chancery should be abolished, nor what should be done respecting causes actually before the court. A second bill underwent the same fate. A third was judged by the authors of the vote to have had too much of the hand of lawyers in its concoction, and that the remedies it prescribed were worse than the disease. Term now approached; and the members who had been most strenuous in their opposition to the establishment, offered a bill to suspend all proceedings in chancery for one month, till an effectual provision should be made on the subject. But the persons who were adverse to such bold measures of reform, and Cromwel was now secretly among the number, took courage, resolved to oppose the tide, and threw out the bill. This species of opposition inspired the reformers with greater energy, and other members, who were by this time in town, increased their numbers. They brought in a fourth bill, in which the defects of

[d] Exact Relation, p. 12.

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the preceding, and particularly of the first bill, were remedied, provision being made in it in particular, for a proper conclusion to suits now in hand, as well as for the termination of causes of the nature of those which were ordinarily brought into chancery, so that they should be decided in a short time, and for the most part at an expence of thirty or forty shillings. But this bill was only read twice, and in the pressure of questions more strongly agitating the passions towards the conclusion of the parliament, was postponed or forgotten[e].

Project for reducing a code of laws.

Another business of the highest moment, which occupied the attention of this assembly, was a revision and new modelling of the whole body of the law. Many of the members were of opinion, that the cumbrous volumes of the statutes, with all their intricacies, accompanied as they were, illustrated, as some would say, but in the opinion of these men perplexed and obscured, with a vast accumulation of reports, cases, and precedents, were an insupportable grievance. They conceived the daring idea of reducing all the laws of England, all that was necessary for the preservation of the state, or the police of civil society, into a certain number of plain aphorisms, to be comprised in the bigness of a pocket-volume[f]. After

[e] Exact Relation, p. 13, 14. Journals, Oct. 15, 17, 19, 27. Nov. 3.

[f] Exact Relation, p. 15, *et seqq.*

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two days' debate, it was resolved to refer this matter to the committee of law already appointed[g]. The committee began with crimes; treason in the first place, and secondly murder. The like they intended respecting theft, and afterwards to have proceeded with the ascertaining and securing of property, and the executive part of the law, so that a man should not, as had hitherto been the case, be under the necessity of parting with one portion of his property to keep another, his cow to recover his horse, and one parcel of land to preserve another. This code, or body of law, when formed by the committee, was to undergo the patient revision of the house, and, as they should see cause, to be in each of its parts adopted or rejected. But this, with a variety of other grand conceptions and improvements, was cut off by the abrupt catastrophe of the parliament[h].

Vote for abolishing presentations and advowsons.

A third of the great questions, which came under the consideration of this assembly, was that of presentations to benefices. Nothing could be more adverse to the fervent spirit of religion now prevailing in the triumphant party, and indeed through a large portion of the people of England, than the rights of presentation and advowson, where in the first case the possessor of a certain property claimed the power of naming the priest of the parish where his property lay, and in the

[g] Journals, Aug. 18, 19. [h] Exact Relation, p. 17.

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second (as the term is used in ordinary acceptation) for a given sum of money disposed of that right to another, against the first vacancy that should occur. It could not but happen, that men so enthusiastic, or, as some would entitle it, so fanatical, as the independents, or even the presbyterians of these times, should hold, if they were consistent, that the congregation, who sat under a preacher that was to lead them in the ways of eternal life, should have a pastor, whose modes of thinking coincided with their own, and whose temper, general carriage, and modes of life were agreeable to them. Meanwhile the question was interesting to many individuals of that class, which is in ordinary times the most influential in society; and accordingly an earnest stand was made in their favour. It was carried however on the seventeenth of November, that the right of presentation to benefices should be taken away, and of consequence that the people in the several parishes should be authorized to chuse their own instructors; and a bill was ordered to be brought in to that effect[1].

Vote against tithes.

A fourth question, that had occupied the attention of parliament from the commencement of its sittings, was that of tithes; and three days, in the week immediately after that in which they met, were occupied in the debate whether the mainte-

[1] Journals.

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nance of the clergy by this mode of provision should be continued[k]. Accordingly, one of the committees which were named by the assembly, for the discussion and arrangement of many of the most important questions of public policy, was chosen to examine into the question of the sacredness of the property which was thus constituted[l]. Great were the fluctuations and vicissitudes of the parliament during the subsequent months; and it was not till the second of December that the committee made its report, the principal article of which was, that it was their opinion that incumbents, rectors and impropriators had a legal property in tithes, and that they ought to be continued accordingly[m]. The debate whether the house should agree with, or dissent from, the report of the committee occupied five entire days in the following week; and at length, on Saturday, the tenth of December, it was determined, by fifty-six to fifty-four, that the house did not agree to the first clause of the report[n].

Dec. 10.

New council of state.

On the first of November a new council of state was elected, agreeably to the rule which had been observed respecting the councils of the third, fourth and fifth years, half the members being chosen from the former board, and an equal number of new members being introduced. The most

[k] Ibid, July 13, 15, 16.
[l] See above, p. 232.
[m] Journals.
[n] Ibid.

memorable circumstance that occurs on this occasion, is that Fleetwood and Lambert are not among the members of the old council that were continued in office. The new council was ordered to sit for the following six months[o]. CHAP. XXXIII. 1653.

[o] Journals.

CHAPTER XXXIV.

POLICY OF CROMWEL.—HE TURNS AGAINST THE PARLIAMENT.—FORMS NEW ALLIANCES.—SYDENHAM ACCUSES THE PARLIAMENT.—HIS ACCUSATIONS REFUTED.—THE SPEAKER WITHDRAWS, AND THE HOUSE IS CLEARED.—THE SPEAKER, ACCOMPANIED BY SEVERAL MEMBERS, RESIGNS HIS AUTHORITY INTO CROMWEL'S HANDS.

BOOK III.

1653. Policy of Cromwel.

AT this period the deliberations of the parliament were abruptly brought to a close. Cromwel, as we have seen, never intended this assembly for any thing more than a cloak and a pretext for his ambitious designs. They had no authority, but that which he and his council of officers had imparted to them. There was much of public virtue in this assembly; they possessed no common portion of that wisdom and penetration into the spirit and consequences of social institutions, which might seem to qualify them to secure essential benefits to that age, and to ages which should succeed. But they had no solid foundation to repose upon. Their courage was too great for their strength. Without duly reflecting on their inherent and in-

Character of the parliament.

Perplexed situation in which they stood.

defeasible imbecility, they aimed at changes and improvements, that would have demanded perhaps more than the authority of the most august, the most numerous, and the most authentically constituted parliament, to carry into effect. Yet it was not easy to see what they could do. If they had said, We are not a parliament; and we will take no steps, but such as are necessary to prepare the way for a legal representation, they would have been instantly stopped by Cromwel and his officers. The thesis was always at hand which had been acted upon by Vane and Bradshaw and Marten and the late parliament, If a free representative is chosen, the king will be restored, the presbyterians, if not the episcopalians, will seize the rule, and toleration, and freedom in thinking and religion, and many of those institutions which we most highly value, and for which we so earnestly contended with our hearts' blood, will be thrown down, and trampled under foot.

Aim of the general.

Cromwel's design in calling this assembly was, by the actual experiment to shew to his friends and the public at large that they were essentially unequal to effect the purposes that the general welfare demanded, and thus to induce as great a number of persons as possible, to make it their request and their wish, that he would assume those functions and that magistracy for the possession of which he so earnestly panted.

His duplicity.

Ambition is a principle, which, if it finds a man

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honest, will perhaps never leave him so. Cromwel had been deeply exercised in the arts of fraud and delusion some years before, in conjunction with one of the noblest of his contemporaries, the republican Ireton[a]. These arts were then practised, as probably both of them thought, for the most patriotic and disinterested purposes. Cromwel now called them into play for ends less unequivocal, and that had more in them of the alloy of selfishness. He saw that, to make clear work in removing the present assembly, and leave no botches behind, he must endeavour to combine as many interests in his favour as possible.

He adopts another system of conduct.

Cromwel had been, from his entrance into the army of the parliament to the commencement of the present year, almost as earnest and thorough a reformer in sentiment, as any man of his nation. Nay, when the present parliament sat down in the beginning of July, he probably entertained, and professed to entertain, the same opinions respecting the corruptions of the law and of the church-establishment, and the inexpediency of tithes, as those which prevailed most in that assembly. But he now began to look about him. He wanted friends: and friends and partisans are no where so expeditiously and effectually got, as by combining with great bodies of men, animated with one common interest. The clergy and the lawyers

Courts certain powerful combinations of men.

[a] See above, Vol. II, p. 202, 203, 204.

were deeply wounded, were exasperated, by the measures now in progress. The men of property, who had the presentation of benefices annexed to their estates, were equally irritated. Cromwel and these men had one sentiment in common, the desire to defeat the purposes of this assembly: they from sordid interest, or, in a milder phrase, from the desire of retaining the provision for their families which had been handed down to them, and the emoluments of the professions to which they had been bred. These different interests soon came to understand each other. Cromwel gave a secret intimation to the lawyers, and the clergy, and those who had the privilege of presentation to livings, that, if they would stand by him in his designs, he would conjure down the storm that now threatened their dearest interests. Such compacts are even in some cases to a certain degree understood, without the intervention of words. The natural sentiments of human beings lead to the cooperation required. Cromwel stood in need of the lawyers and the clergy and the patrons, and he enabled them to defeat their enemies. Having received from him so important a service, they felt inclined to benefit him in return; or, to put it at the lowest, their thoughts became mollified toward him, and they could better endure to contemplate him in the high office which he presently after assumed.

Forms new alliances.

Cromwel was familiar with the arts of calumny.

Calumniates the parliament of his own nomination.

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By the most atrocious insinuations he had undermined the character of the late parliament. Nay, so skilfully and perseveringly had he done this, that a part of his charges has remained unrefuted to the present day. With equal skill and equal success he pursued the character of this short parliament of his own nomination.

Sows dissention among its members.

He came to the firm resolve to effect their dissolution. But he did not judge it to be wise to effect it in the same manner with that of the preceding spring. With the republican parliament which had governed England from the death of Charles the First he deemed it a vain attempt to endeavour to dissolve the compact by which they were bound to each other. He therefore attacked them with plain force and undisguised defiance. Not so on the present occasion. It would have been strange indeed, if, in an assembly of his own nomination, he had not been able to secure to himself a considerable number of followers. In reality the parliament was almost equally divided between the immoveable advocates of reform, and those members whose decisions Cromwel could almost turn and wind as he pleased. If he had desired it, it is extremely probable that, with his extraordinary talent of persuasion, and the means of corruption he might have commanded, he could have turned the formidable minority that now voted as he pleased, into a majority.

Arranges his measures for their dissolution.

But this was not what he aimed at. His object

was to break the present assembly. He sought only a plausible opportunity for the purpose; and he conceived that he had found an opportunity now, as good as he could hope for. The preliminary vote in condemnation of tithes having been given on Saturday, the next day therefore was spent in arranging the measures that were to be put in execution on Monday.

Speech of Sydenham. Dec. 12.

Accordingly those members who were in the secret, met at an earlier hour than usual; and, Rous, the speaker, being in their interest, a house was soon organised. Colonel Sydenham then rose to address the chair. He said, that he must take leave to unburthen himself of some things that had long lain upon his heart. He had to speak, not of matters relating to the well-being of the commonwealth, but that were inseparable from its existence. He then proceeded to load the measures of the parliament, and particularly of a majority of its members, with the most heinous allegations. He said that they aimed at no less, than destroying the clergy, the law, and the property of the subject. Their purpose was to take away the law of the land, and the birthrights of Englishmen, for which they had so long been contending with their blood, and to substitute in its room a code, modelled on the law of Moses, and which was adapted only for the nation of the Jews. In the heat of their enthusiastical fervour they had

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laid the axe to the root of the Christian ministry, alleging that it was Babylonish, and that it was Antichrist. They were the enemies of all intellectual cultivation and all learning. He noticed a motion that had been made by some member, that the great officers of the army should be treated with to serve without pay for one year, and another suggestion that had been offered, in the progress of the bill of assessment for six months for the maintenance of the army and navy, that the bill should be laid aside, till a plan had been arranged for a more equal taxation of the subject: symptoms which in no equivocal manner indicated a deep-laid design in some, aiming at the total dissolution of the army. Under these circumstances he said, that he could no longer satisfy himself to sit in that house; and he moved, that the continuance of this parliament, as now constituted, would not be for the good of the commonwealth, and that therefore it was requisite that the house in a body should repair to the lord general, to deliver back into his hands the powers which they had received from him.—The motion was seconded by sir Charles Wolseley[b].

He moves the dissolution of the assembly.

His accusations refuted.

The majority of the accusations thus brought

[b] Journals. Ludlow, p. 472, *et seqq.* Exact Relation, p. 25. True Narrative of Dissolution, p. 1, 2, 3. Clarendon, p. 484. Heath, p. 353.

against the parliament were atrocious calumnies. A great portion of its members were men of rank and estate, men of cultivated minds, of liberal principles, and deep reflection, every way qualified for legislators, if they had been called to that office by the national voice and a more unequivocal authority; and this character at least as much belonged to the reformers, as to the present adherents of Cromwel. It was to the last degree idle to say, that the men who aimed to simplify the code of legislation, and free it from the mass of barbarism and complexity in which it was involved, were enemies to the birthrights and liberties of their country. It was only by the most vulgar species of abuse, that those who disapproved of the maintenance of the clergy by the burthensome and vexatious method of tithes, could be said to be the enemies of all ministers and all learning.

Act tendered for an equal provision for the maintenance of the clerg.

An expedient was proposed to the house by the first member who rose as soon as Sydenham's motion had been made and seconded, in the form of a bill, which the proposer hoped would reconcile all parties on the question of tithes[c]. This expedient was so far from being intended to the prejudice of the parochial clergy, that its express object was, to render the revenues of the clergy more certain and equal, by reducing benefices of two hundred pounds *per annum* and upwards,

[c] Exact Relation, p. 22; and Preface.

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and increasing those of smaller income, and also for making a provision for the widows and children of ministers. It has further been observed, that the Long Parliament, when they abolished episcopacy, and sold the temporal revenues of the bishops, deans and chapters, made an express reserve of all impropriations, which were to be applied to increase the revenues of the parochial clergy and the colleges, and that a similar reserve was made by this assembly in their act for enabling delinquents to compound for their estates[d].

Motions made, which had never been followed.

As to the motion that was made for inviting the great officers of the army to serve for one year without pay, and the other that the assessment for the army and navy should be deferred, till some more equal mode of taxation might be devised, it may be sufficient to say, that it is wholly inequitable to make any assembly, or even any party, responsible for a motion made by an individual, which is taken up by no one, but dies even in the proposing.

Cromwel adopts the accusations of Sydenham.

Cromwel himself adopted these calumnies in his speech to the parliament of the following year, where he says, that, if these refinements were but mere notions, he should be inclined to say, Let

[d] Parliamentary History, Vol. XX, p. 245. The reference annexed to this statement is erroneous, and I have not been able to find the passage; but there cannot be a reasonable doubt that it is taken from some contemporary authority.

them alone. But, when they come to tell us that liberty and property are not the badges of the kingdom of Christ, that, instead of regulating laws, laws are to be abrogated, nay, subverted, and would perhaps bring in the Judaical law, they then deserved to be opposed[e]. And again in his speech to the parliament of 1657, "When sober men saw how things were going in that assembly, they came, and returned the power into my hands. Otherwise, the issue of that meeting would have been the subversion of your laws, and of all the liberties of this nation, the destruction of the ministers of the gospel: in a word, the confusion of all things, and, instead of order, to set up the judicial law of Moses, in abrogation of all our administrations[f]."

Debate on Sydenham's proposition.

To return.—The motion of Sydenham had no sooner been made and seconded, than a member from the other side of the house rose, to defend the character of the assembly. He enumerated the various measures conducive to the public advantage that were in progress, and extolled in the highest terms the disinterestedness and diligence of the parliament and its committees. He protested with much earnestness against a measure fraught with such incalculable calamity, as the dispersion of the assembly. He was followed by

[e] Parliamentary History, Vol. XX, p. 325.

[f] Harris, Life of Cromwel, p. 327.

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several other members who spoke on the same side; and the debate promised to be of considerable duration. Every instant the house increased by the resort of members. This did not suit the views of Cromwel's followers, who began to fear that the motion might be carried against them. They therefore devised a new and irregular expedient suited to the emergency. Rous, the speaker, was on their side of the question. Suddenly he rose, and left the chair. The serjeant took up the mace, and carried it before him, as he quitted the hall; and as many members as were favourable to the motion, followed him, and immediately repaired to Whitehall, to demand admission to Cromwel. There appear to have been about seventy members present in the house; and, when Rous and his supporters were gone, there remained thirty-four or thirty-five[s]. This secession however immediately put an end to their business. They had no speaker; and the numbers that remained did not constitute a quorum, which, by the rules of the house, must consist of not fewer than forty. Harrison appears to have been one of these, as well as one of the speakers in the debate that had preceded. They continued in consultation as to what was to be done. Presently however two officers, colonel Goffe and major White, came in, and intreated them to withdraw. This they re-

The speaker withdraws.

Repairs to Whitehall.

[s] Exact Relation, p. 25. True Narrative, p. 3.

fused to do, but upon compulsion. Accordingly a file of musqueteers was introduced; the house was cleared, and the doors closed[h].

1653. The house is cleared.

The account of the business of the day, by whomsoever composed, which is inserted in the Journals, says, that the members that acccompanied Rous in his secession were the greater part of those who were sitting in the house; and Cromwel affirmed the same thing in his speech to the parliament of the following year.—But this account refutes itself. Undoubtedly he would have much preferred that the motion for delivering back the powers they had received into the general's hands by whom they were given, should have been formally carried, to the irregular and anomalous proceeding which took place. But it appears from the Journals themselves, as well as from every other authority, that the question was never put to the vote.

The question on Sydenham's motion is not put.

The seceders, having arrived at Whitehall, withdrew into an apartment, and there put on paper a certain number of lines expressive of their resignation of their powers to Cromwel, and subscribed it with their hands. This being prepared, the general was soon found, and they were admitted to an audience. He expressed the utmost surprise at their errand, and seemed not without difficulty to be prevailed on, by Lambert and others, to yield to their wishes.—In a speech to the following parliament, he protested that, so far from

The seceders resign their authority into the hands of Cromwel.

Barefaced falshood of his protestations.

[h] True Narrative, p. 3. Heath, p. 353. Thurloe, p. 637.

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having any hand in the measure, he was an absolute stranger to the design, till the speaker, with the major part of the house, came to him, and delivered the instrument of their resignation into his hand[i]. He very properly says in the same speech, I have appealed to God before you already; I know that it is a tender thing to make appeals to God[k].—In fact, Cromwel had now lost to a great degree the ingenuousness of his nature, and seems to have made no scruple of sanctioning by the most solemn protestations the most notorious falshoods. He was in the situation of a king; so that, however freely his assertions might be animadverted on by the public at large, the voice of contradiction was never suffered to approach his sacred ear.—Will any man believe that a file of musqueteers could be marched into the parliament-house, and the chamber be emptied and locked, without the privity of the general?

Majority of the assembly sign their abdication.

The number of members who signed the instrument of resignation consisted at first only of those who had accompanied the speaker in his progress from the place of their sitting to the presence of Cromwel. But the amount of signatures was increased during the three or four following days, so as ultimately to have probably become a majority of the assembly. It is said that eighty members signed. Several yielded to the solicitations of the friends of the general, several from

[i] Parliamentary History, Vol. XX, p. 355. [k] Ibid, p. 354.

fear, and unwilling to expose themselves to the displeasure of those in power, several because certain of their companions and allies had done it already, several happy that they might so be rid of a troublesome and thankless employment, and several because they would not expose themselves to the charge of ambition, and an overweening love of dignity and power[l].

Disgracefulness of this proceeding.

It has justly been observed that nothing could be more irregular, or less honourable to the members of parliament by whom this measure was adopted, than the resignation which thus took place[m]. It is true, they were first nominated by Cromwel and his council of officers. But they were at the same time named representatives for certain counties and divisions of England. The moment they accepted the supreme authority, and called themselves a parliament, they had a higher duty, and ought to have forgotten the irregularity of their original. They were bound to consider the country for which they were intrusted, and the divisions of the country whose representatives they were called. Cromwel told them at their first assembling, that they were called together because, it was unfit that the political power should remain in military hands even for a day: he therefore came there to resign all authority of that sort, and to retire into a private station[n]. They might as

[l] Exact Relation, p. 27. [m] Ibid. [n] See above, p. 529.

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well in justice and propriety have resigned the supreme authority with which they were invested, into the hands of any other man, as of Cromwel.

It was not the act of the assembly.

It is fitting however we should remember, that what was thus done, was not the act of the assembly, and never properly formed any part of its proceedings. They accepted an important trust, when the public was deserted, and there was no one left to watch over its interests. And gallantly they discharged the office on which they had entered. It was Cromwel's purpose, to establish an incompetent authority, and in the end to say to his partisans, See, how little capable they are of effecting substantial good! It was his plan, that, after a few ineffectual struggles, they should repair to him, and formally return into his hands the powers they had received. In all he was disappointed. They entered with grave counsels and sage deliberation upon the measures, which he had recommended, and which the republicans of that time approved. And at length, finding that he could not bring about a regular surrender of their powers, he was compelled to contrive a despicable juggle, and by a sort of hair-breadth manœuvre to effect the semblance of that, which with all his power and all his arts he was not able really to obtain. In the attempt he lost several of his most valued connections, and among the rest the public-spirited Harrison.

CHAPTER XXXV.

CROMWEL IS INSTALLED LORD PROTECTOR.—ACT OF THE GOVERNMENT OF THE COMMONWEALTH OF ENGLAND, SCOTLAND AND IRELAND.

CHAP. XXXV.

1653. Cromwel installed Lord Protector.

CROMWEL was so thoroughly prepared for the event of which he professed to have had no anticipation, that, on the fourth day from the abdication of the parliament, he was solemnly installed in the office of Lord Protector of the Commonwealth of England, Scotland and Ireland. The ceremony took place in Westminster Hall about one o'clock in the afternoon. It was attended by the commissioners of the seal (Keble and Lisle; Whitlocke being in Sweden), the judges, the members of the council, and the lord mayor and aldermen. A chair of state, with a rich carpet and cushions, had been prepared. The persons officiating arranged themselves, Keble on the right hand of the chair, and Lisle on the left, the judges on both sides, the lord mayor and aldermen on the right, and the members of the council on the left. Cromwel and the chief officers of the army then entered the Hall, and took their places, Cromwel next to the lord commissioner Lisle, and the

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officers below the members of the council. Cromwel was without robes, in a cloke and suit of black velvet. His life-guard, and many of the military also were present. All were standing, and bareheaded.

His oath of office.

Lambert then, either as the president of the council, or as the senior officer of the army there present, came forward to declare the dissolution of the parliament, and the plan of government which had been prepared by the council of the army, and sanctioned by the principal officers of state, and to invite Cromwel, in the name of the whole, to take upon him the office of chief magistrate under this constitution. An act was next read by Jessop, one of the clerks of the council, entitled, The Government of the Commonwealth of England, Scotland, and Ireland, and the Dominions thereto belonging, which occupied half-an-hour. Cromwel having, though with much seeming reluctance, declared his consent, Lisle read to him his oath as protector, which he signed. The great officers of state then invited him to take possession of the chair, which he did, covering himself. The lord-commissioners delivered to him the seal, and the lord mayor his sword of office, which were returned[a].

His advisers and partisans.

We can only make out by inference who were Cromwel's favourite counsellors on this occasion.

[a] Cromwelliana, p. 131. Parliamentary History, Vol. XX, p. 248.

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Of the twelve original counsellors named by him in the preceding April six were preserved, Lambert, Desborough, Strickland, Sydenham, Philip Jones, and sir Gilbert Pickering; and six omitted, Harrison, Tomlinson, Stapeley, Carew, Moyer and Bennet. To the six preserved were added seven from among those who had been named by the parliament on their meeting, lord Lisle, sir Anthony Ashley Cooper, sir Charles Wolseley, Fleetwood, Montagu, Richard Major, and Henry Lawrence. To these counsellors were now first added by Cromwel major general Skippon, and Francis Rous, the late speaker.

Particulars of the new scheme of government.

The first article in the institute of government was, that the supreme legislative authority should be in one person, and the people in parliament assembled; and that the style of that person should be lord protector. It proceeded, that the protector should be assisted with a council, of not fewer than thirteen, nor more than twenty-one persons; that all writs, processes, commissions and grants should run in his name; and that from him should be derived all magistracy and honours; that he should order the militia, and forces both by sea and land, and with his council should have the power of war and peace; that no law should be altered, suspended, abrogated, or repealed, but by the authority of parliament; and that a parliament should be summoned in every third year. It directed, that the summons to parliament should be

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by writ under the great seal, and that, if the protector should neglect to order these writs, the keeper or keepers of the seal should issue them on their own authority under pain of high treason. Also, in case of similar neglect in these officers, the sheriffs of the counties should proceed in the election in the same manner as if the writs had been issued, under the like penalty. Each parliament was to sit five months; and, if an intermediate parliament was called by the lord protector, it was not to be prorogued or dissolved within three months, unless by its own consent. In case of war with any foreign state, a parliament was to be summoned immediately. The institute determined, that every person possessing an estate, real or personal, to the value of two hundred pounds, should have a vote at the election of members of parliament, excepting such as had been concerned in the war against the parliament, or in the rebellion in Ireland. It ordered, that all bills passed by the parliament should be presented to the lord protector for his assent, and, if he did not assent within twenty days, the parliament might declare his neglect, and the bills should then become law notwithstanding. The army was limited not to exceed ten thousand horse, and twenty thousand foot. It was also directed, that, till the meeting of the first triennial parliament in September 1654, the protector and council might have power to raise money for the public defence, and to make

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such laws and ordinances as the welfare of the nation should require. No member could be removed from the council, but for corruption, or such other miscarriage as should be judged of by a committee from the parliament and the council, together with the keeper or keepers of the seal; the removal during the intervals of parliament to be made by the council itself with the consent of the protector. The institute further ordered, that the keeper or keepers of the seal, the treasurer, the admiral, the chief justices of the two benches, and the chief governors of Scotland and Ireland, should be nominated by parliament, and in the intervals of parliament by the protector and council; that, as soon as might be, a provision should be made for the maintenance of the clergy, less subject to scruple and contention, and more certain, than the way of tithes; and that no person should be compelled to conform to the established church, nor should any be restrained, but protected, in the profession and exercise of his religion, with an exception of the adherents of popery and prelacy. It was one article in the institute of government, that Oliver Cromwel should be declared lord protector for life, and that, in case of his demise, the council of state should assemble to the number of not fewer than thirteen, and immediately elect his successor.—This clause has been supposed to have been inserted to conciliate Lambert, and to feed him with the hope of being second lord protector.

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1653. Constitution of the representative body.

The plan for the future representation of the people seems to have been copied from the unfortunate act, which was on the point of passing into a law on the twentieth of the preceding April, but which Cromwel had extinguished by his violent proceedings of that day. The representatives for England were to be four hundred. All petty boroughs, where there was scarcely a single house, were suppressed, and the representation, as nearly as might be, proportioned to the amount of taxation. Of these, two hundred and sixty-one were to be county members; beside six for London, two for the isle of Ely, two for the isle of Wight, and two each for Exeter, Plymouth, York, Colchester, Gloucester, Canterbury, Leicester, Lincoln, Westminster, Norwich, Lynn, Yarmouth, Nottingham, Shrewsbury, Taunton, Bristol, Ipswich, Bury, Southwark, Coventry, Worcester and Salisbury, one each for the two universities, and one each for all the towns and boroughs that were thought worthy to be represented, among which Manchester is enumerated. In addition to these, there were to be thirty representatives for Scotland, and thirty for Ireland, the distribution of the counties, cities, and places represented, and the number of their representatives respectively, being to be determined by the lord protector and his council, previously to issuing the writs.

Apostasy of Cromwel.

This constitution has certainly much *merit:* but will its merits atone for the obliquity and ambition of its author? It has the sin of exhibiting

him as deserting the principles on which he began his career, of alienating from him the best friends of those principles, teaching them to doubt whether there was any patriotism that would perseveringly resist the power of temptation, and spreading a hue of despair over a cause in which they had engaged with the most ardent enthusiasm and the most entire confidence. His excuse was in the character of the nation: whatever were the sentiments and aims of the chiefs, the people were not republicans.—It was certainly a portentous clause, which authorised the council to enact laws and ordinances, till the meeting of the next parliament.

CHAP. XXXV. 1653.

END OF VOLUME THE THIRD.

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